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RABBI HERBERT FRIEDMAN

ON

JEWISH IDENTITY

PART 2

AMERICAN JEWISH
ARCHIVES

October 7, 1987

זכר אלה יעקב וישראל

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 were sent to you, it is Roman numeral six, called Conflict in Israel Today.

Ben-Gurion was the Prime Minister of the country in 1956, when Israel 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. They included thousands of Jews who were saved from Hitler by the Russians, who took them as far east as Siberia and put them to work there. Some scholars think as many as a half a million Jews were saved from the Nazis by the Russians.

When the war was over, they drifted back from the other side of the Ural mountains to Poland, Hungary, Latvia, Lithuania, Estonia, from which they had originally been moved in 1941 eastward. But suddenly in '56, for some obscure reason, the Poles let them out in a great gush and they came to Israel. To a large extent they came with non-Jewish second wives. Their first wives having been killed in the Holocaust, they married again to fulfill the commandment of "be fruitful and multiply" and rebuild children, for that is how the Jewish people is kept alive. All the fancy words

about the survival of the Jewish people and all the slogans and all the major philosophical declarations boiled down to one word - children. Survival depends on one generation at a time. If there are no children, there is no next generation, and a survival pattern of 3500 years can be destroyed in 50 or 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. There was a 4-day war at the the beginning of October; followed by the Hungarian Revolution at the end of October, during which about 16,000 Jews got out of Hungary and crossed the river into Austria. At the same time, in December of '56, most of the Jews were expelled from Egypt, and they came into Naples and into Athens, on Egyptian ships of the Misr Line, which we used to call the "misery line". So the Fall of '56 was wild. No major religious problem occurred as a result of that influx of tens of thousands of non-Jewish Polish and Hungarian and Egyptian wives and scores of thousands of their non-Jewish children. The Rabbis then were quite liberal in contrast to today, 30 years later. They converted these women very quickly and they accepted the children without a lot of fuss and feathers, and those refugees blended into the population of Israel.

That is the political and human background behind Ben-Gurion's letter of 1958 in which he wanted to regularize

the whole process. He wanted to get a law passed by the Parliament which would be connected with the Law of Return which had been passed in 1949. The Law of Return promised everybody -- every Jew that wanted to come -- that he could have automatic citizenship. Ben-Gurion wanted to go one step further in '58, and have the Parliament expand the law to define as a Jew anybody who said he was a Jew. That was clean and simple. He thought that the matter of identity should be determined by self-declaration. If anybody was so eager as to put his neck in the Jewish noose and say "I am a Jew", then why should the authorities look a gift horse in the mouth? The State should accept such persons. Oh no, said the Rabbis, oh no. A committee was appointed with which Ben-Gurion had to consult. This committee was to present to the Parliamentary Committee of the Interior a draft law to study and then bring it out on the floor of the 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. So he wrote a letter to a carefully selected list of great Jewish authorities - rabbis and laymen - 54 people around the world. This book is a compilation of his letter to these people and their answers to him.

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

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, having other things on his mind, including the intention of resigning, over the Lavon Affair, wanted to try to get this definition of identity settled. He foresaw it would be a continuous problem unless resolved.

By law of the Parliament all matters of personal status, meaning marriage, divorce, conversion, adoptions, custody of children, etc. etc., had been handed over to the Rabbinical courts and bureaucrats. All the employees of the Rabbinical courts are state employees, paid for by the government.

There are two words which express 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, and his nationality. If someone asks you - what is your nationality, your answer is: I am an American. If someone asks you - what is your citizenship, your answer is: 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. The second word is not nationality or citizenship,

the second word is religion, which is "dat". When the bureaucrat in the Ministry of the Interior fills out your identity card, there is a line which calls for citizenship, and he puts there Yisraeli. That is the equivalent of American. On the line which calls for religion he puts in Jew or Christian or Moslem or Druse or Bahai. Total number of Israeli citizens is 4.1 million, of whom 3.5 million are Jews, and 600,000 are non-Jews. So when the Interior Ministry clerk asks what are you, your citizenship is Israeli, (whatever your religion), and the only problem is what to fill in on your identity card as far as religion is concerned. Ben-Gurion wanted the civil Parliament to pass a law saying that 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". In order to strengthen his position regarding this self-identification, he wrote the letter to all these authorities world-wide. That is the background. Does that make it clearer?

The identity card is only one piece of the problem. The other piece of it is if someone has a matter of personal status which comes under the Rabbinical courts. This includes marriage, divorce, conversion, custody or adoption of children, inheritance, etc. All these things do not go through the civil court system, but through the parallel Rabbinical court system. There is no civil marriage or divorce in Israel, for example.

A justice of the Supreme Court of Israel, Chaim Cohen, was widowed, and wished to marry a woman who was divorced. By his very name he was a Kohen, a priest. According to religious law a Kohen is not allowed to marry a divorced woman. The religious court refused to allow the marriage. The couple flew to Cyprus, were married by a Justice of the Peace in a civil ceremony, and immediately flew back to Israel. He gave an interview to the newspaper and said in essence: 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.

If you claim to be an atheist, the clerk will put down Jew. He doesn't care that you don't believe in G-d. He is not asking you about G-d. He is asking you what was your mother, what was your father, what are you?

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, raising the same problem. We have 170,000 Russian Jews that entered Israel. How many of them do you think are mixed marriages? Tens of thousands. We are talking big numbers here. This is not a little tiny unimportant item.

HERB: 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.

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 and will get 1,000 people out on the street in 1/2 an hour. They create 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.

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 13 seats in the Parliament out of 120 seats. So they represent by actual mathematical vote, about 10% of the voting population in the country. Because proportional representation is exactly that. The exact number of seats in the Parliament that any party wins depends on the exact percentage of the popular vote. 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 whom are ministers without portfolio because there aren't enough jobs to give all these persons sitting around the cabinet table.

HERB: The religious parties use their power to achieve things they want. Mr. Peres, during the past two years that he has been the Prime Minister has been sympathetic to them. He is a labor man. Peres has said essentially: let's not irritate them needlessly. There are enough genuine issues on which I am opposed to what they do. The religious burn down bus stops, then the secular retaliate by setting fire to a synagogue. It has escalated to that as you know, just by reading the papers. Violence has escalated terrifyingly. The Rosh Hashana speech of the President of Israel to the population, two weeks ago, was a plea to lower the verbal and physical violence, to relax, to stop screaming at each other as though we were back in the days of Rome when the Pharisees and the Sadducees were at each other's throats, which made it easier for Rome to conquer Jerusalem and destroy the temple.

The religious bloc takes its stand on the Torah and the Talmud, wherein 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 Petach Tikva gives a license to the local movie house to play on Friday night, which it did do, then the trouble starts. Next door to Petach Tikva is B'nai Brak, which is a religious Hasidic community.

Hundreds, sometimes thousands of Hasidim walked the few kilometers to Petach Tikva and conducted protest meetings in the form of prayer meetings on the square outside the movie house. They sang songs very loudly, hoping to interfere with the playing of the movie inside. The secular population inside would sometimes come storming out of the theater to break up the crowd, which was "praying", or singing or whatever they were doing. This continuing, week after week, gradually developed into confrontational violence. Hundreds of police were put on duty in Petach Tikva every Friday night, angry because they were taken away from their families on Friday night. The financial burden for the Police Ministry, forced to pay those overtime hours, was serious; furthermore, it was a terrible strain on the police force since there just aren't that many police in Israel. To put 200 policemen and women, sometimes more, out on the street of one town to keep order every single Friday night for more than a year was incredible. The protests and violence seem to be diminishing, but that doesn't mean the basic problem is solved.

COMMENT: Why hasn't the government made moves to reduce the power of the religious groups to the representative share that they have in the population.

HERB: That wouldn't make any difference. Supposing the government 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 of a political force, so long as they remain in the coalition government and hold seats in the Cabinet?

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 state.

HERB: That is another fact you must understand. There is no separation of synagogue and state in Israel.

COMMENT: That is not ideal.

HERB: The Western concept of separation of church and state doesn't exist in Israel. Such separation is not considered an ideal to be achieved. It is not something to be desired. Israel is not a theocracy in the sense that religious officers run the civil government. In medieval times, an Archbishop who ruled a province was both the religious leader and the political/civil/military leader of that province. That was theocracy. No, Israel is not a theocracy. But Israel is very unique, as the Jewish people is

unique in many things it does, wherein you do not have a theocracy but you also have no separation of church and state. These two forces are linked in many ways. 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 in Israel which distinguish Jews and that is Jews serve in the Army and Arabs don't...

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

COMMENT: In the past, Christians, Druze, could serve anyhow. But the Law of Return is the 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 is it Jewish beside the fact that it calls itself a Jewish state and has Jewish symbols, and Jews are in the majority. Couldn't anyone of any religion become Prime Minister?

HERB: Theoretically. But you are suggesting a very far-out scenario. I say theoretically because here is nothing in the law which would prevent it. But in practice it wouldn't happen. Let's say a large group of non-Jews, such as the Christians, including Christian Arabs, united and formed a

political party - The Christian Democratic Party. Supposing they came out at the next election with a list for the Knesset. Supposing they won 200,000 votes. That would give them about 10 seats in the Knesset. They would then be a powerful minority bloc, but I'm not sure they would be invited to join a coalition government. They certainly would not be strong enough to offer one of their leaders as Prime Minister.

COMMENT: Take England as an example. The King and Queen of England are the head of the church. I could see England as 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 a theocracy.

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.

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. Now, I took that example deliberately. When that Jew goes to the Rabbinate, the office of the Rabbi of whatever city he lives in and the Clerk starts to 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. And since there is no civil marriage in Israel, when the Rabbinate refuses, the person has no alternative procedure available. Sometimes people try to get a ruling from the Supreme Court, forcing the rabbinate. Actually, the only practical alternative is to go abroad and get married.

You are asking if there is law. The law says marriage in Israel must be performed within the Rabbinical court system. That is the law of the country.

COMMENT: Is there a law that says Arabs cannot become the controlling block in the government of Israel?

HERB: No, how could you possibly pass such a law? That is racist.

COMMENT: That is the argument against integrating the West Bank Arabs and the Gaza Strip Arabs and the Golan Arabs. Some people are afraid that Israel will lose its Jewish majority.

HERB: The proper word is not "integrating", it is annexing. If by law Israel were to annex the territory, then by law Israel would have to decide whether to keep the people of that territory as second-class persons by not giving them Israeli citizenship, or 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 Druze who are already Israeli citizens. So the state of Israel annexed the Golan Heights and granted Israeli citizenship to those few Druze who hadn't already claimed it.

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

HERB: No. That is the dilemma. You cannot leave the status of more than a million people in doubt - nor can you practice apartheid. That is not democratic. Mr. Kahane, when faced with that dilemma said democracy isn't Judaism, Judaism does not require democracy.

We are talking about the legality of the situation. There are very few laws in Israel which define it as a Jewish state. Very few laws. Most of the laws which govern behavior are passed by local municipal councils, not by the Parliament. Some years ago the mayor of Jerusalem wanted to permit mixed swimming, for men and women, in the municipal pool. Everybody in town pays taxes for the pool. 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 strong minority in the city of Jerusalem created an uproar and the regulation permitting mixed bathing in the municipal swimming pool was never passed. In Tel Aviv, the municipal swimming pool is mixed. Because Tel Aviv is a more liberal, more melting-pot of a city with a much smaller religious element in its population, there was 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. Haifa was always a strong labor town. Some people called it "Red" Haifa. The buses run in Haifa because the Haifa municipal council, long ago under the British, passed an ordinance saying: our longshoremen who work in the port have to get home up the hill, therefore our buses are going to run, full speed. Just 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. anyhow, that wasn't Haifa, it was Nahariya. There is a lovely apocryphal story about that which reflects the early mores. Nahariya is a town founded by German refugees who started coming in the early 1930's. For decades they just spoke German, and many still do, to this day. The story is told that two Yeckes were walking along the beach with their hands behind their backs in the typical way they walk, earnestly involved in conversation. Suddenly they noticed that there was a man out in the water thrashing about, obviously having trouble, possibly drowning, and he was screaming in Hebrew, "Ezra, Ezra, help, help". One of the strollers said to the other: "Schwimmen hattest er lernen sollen" - he should have learned how to swim, never mind learning Hebrew.

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 were to agree to that, you wouldn't hear a murmur about this. There would be people who would break the law. Just as there are people now who don't observe all of the 613 mitzvot. But the law of the Torah would be the civil law of the country. That means municipalities could not make their own judgments about the movies and the swimming

pools and the transportation and the garbage collecting. The whole land would follow the laws of shmitta every seven years allowing the soil to lie fallow; and the laws of the yovel, every 50 years, when all debts would be forgiven and so on and so on. All the laws of the Torah would become the laws of the land. The fact that people would break them is human nature. Would the police then arrest everyone who is driving on the Sabbath? Or would the police look the other way?

Today, without the Torah being the Law of the land, police put up barriers around religious neighborhoods as a matter of courtesy and common sense. If no cars enter such neighborhoods the religious fanatics don't have to throw any stones.

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

Everybody has to follow whatever religion is indicated on their identity card. So in regard to that I don't think Israel is a Jewish state. With regard to the

right of return, Israel has made a decision, for, perhaps, humanitarian reasons, that Jews can become citizens right away. Perhaps America wants Haitians to have immediate citizenship in the United States because it was considered a worthwhile thing to do, for some reason. 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. What symbol did they pick for the handful of men and women who fought in the underground to help get the state of Israel created? They picked this little menorah. And there are fewer and fewer people wearing it because this all happened a long time ago. I have to make sure my kids remember what this little piece of tin signifies and don't throw it out by mistake. This decoration is symbolism, reminding one of Parliament, flag and a Jewish state.

There is a nastily polite fight going on right now, about Israel seeking to join the International Red Cross, but insisting that a red Magen David be accepted alongside the Red Cross and Red Crescent as its symbol of membership. In the 1973 War, when we had a terrible, terrible number of casualties, thousands of dead and wounded, and we ran out of blood, we applied to the International Red Cross for blood. Not being a member, the only way we got it was through the intervention of the Shah of Iran. 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 red background. This is a red cross on a white background. So, they said, 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, Israel is not accepted in this international body. There is a meeting in Geneva coming up October 21-23, in which once again, Israel is applying for acceptance into the Red Cross. She is probably not going to get it. There are 21 Arab countries which use the Red Crescent, so the I.R.C. knuckled under and they accepted that. Now they have the Red Cross and the Red Crescent, but they don't want the Red Star. I can't think of

a more striking example of what we mean when we say symbolism defining the Jewish character of the state.

HERB: What makes Israel a Jewish state is a combination of laws, federal and municipal, and the self-consciousness of the majority of its citizens, whether they are secular or religious. We went through this at our last session. We tried to define Jewish identity. We said we are not a race, but we are a nation , a nationality, a religion, and a world people. That is the summary of what we agreed upon last time: the self-consciousness of being a world people. The Jews who live in the state of Israel feel themselves to be a part of the Jewish people 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 of the future called Messiah, by everything that adds up to your identity as a Jew. The Israeli Jew has the same set of factors but even better than you do. He speaks a language of the Jews, Hebrew - you don't. Israel is a Jewish state by virtue of some laws; some self-identification by its citizens; a set of religious laws and religious machinery, to handle all matters of personal status; by its external symbols and the face it presents to the rest of the world. Israel puts the star of David on its airplanes. Does America put an eagle on its airplanes? No. It puts a five-pointed star with red, white, and blue bars through it. Does a cross go on French airplanes? France is a 95% Catholic

country. No, a red, white, and blue circle. Israel's airplanes are marked with the star of David. Israel attempts to put the stamp of Jewish identity on the country, its appurtenances, its officers, its defense force, its laws and the consciousness of its citizens.

The whole controversy over who is a Jew? focuses around the question of who can come and automatically receive citizenship. That is what the problem is all about. The Zionist argument in favor of having a homeland was based on the concept that all Jews were welcome. The law of return defines those who can come to that homeland and immediately receive its benefits.

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

HERB: Of course it does.

COMMENT: How.

The Law of Return, as adopted in 1949, did not define who is a Jew.

HERB: The definition of a Jew came in the 1950 amended Law of Return, which said: A Jew is someone who is born of a

Jewish mother, or has been converted to Judaism, and does not practice another religion. The Orthodox establishment in Israel has been struggling for a long time to amend further that definition by inserting one Hebrew word. And that is which means, according to Halacha, referring to the method of conversion. Rabbi Irving Greenberg, himself an Orthodox Rabbi, has written a brilliant satirical article, in which he says, in essence, "if it ain't broke, why fix it?" Why are they insisting upon putting in the word Halacha, he asks. The whole law of return is written according to the Halacha. His analysis is that there are two reasons behind the effort to insert the word. The super-Orthodox 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. The super-Orthodox want to show they are more strict. This reflects an internal Orthodox fight. The second reason is to attack and shame 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 and, to a lesser extent in the United States. Irving Greenberg is not the only Orthodox Rabbi who warns against the super-pious. There is also a Rabbi by the name of Emanuel Rackman, who is the Chancellor of Bar Ilan University; and another Rabbi by the name of Shlomo Riskin who once led the Lincoln Center Synagogue and moved to Israel and took with

him many young, modern Orthodox families who also settled there. Riskin said this fight over who is a Jew, or who is a convert, or what rabbi is qualified to perform a conversion is a crazy fight. So there are, among modern Orthodox elements, some few voices speaking up. But in this struggle, the fanatics are winning over the moderates. That is where the danger lies.

COMMENT: If one says that the super-Orthodox should not tamper with the status quo in regard to the law of return, why should the non-religious 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: In Mr. Ben-Gurion's letter to great rabbis and scholars throughout the world asking for their advice and opinion, the question at issue was, how to register people under the headings of religion and nationality. Children born of mixed marriages, when the father is a Jew and the mother is not (nor has she become converted as a Jew) constitute a major

problem. Opinion has been expressed that since the Population 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), registration should not be governed by purely religious criteria. Another opinion holds 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 nationality both. Thus, one opinion is that registration should only be a civil matter, and the other opinion is that it must be a civil and religious matter.

The government had decided that the religion and nationality of an adult shall be registered as Jewish if he declared 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 either parent is accepted in any case in which a declaration is required on behalf of a child who has not yet reached maturity. With regard to the question of registration of children born in mixed marriage, the following are the key questions: If the mother is non-Jewish and has not been converted, but both she

and the Jewish 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?

Ben-Gurion wrote to his respondents that a Cabinet Committee had to make its recommendations to the government on these questions. Hence, he was asking these scholars of Judaism for their opinions, in order to guide him in making his recommendations.

I tabulated most of the answers. A consensus emerged from the answers, as follows: 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 route. Those were the four major conclusions I managed to summarize from most of the answers.

There were many and varied tactical suggestions as to how to try to handle the practicalities. 1) Do not register either religion or nationality in the identity

booklets. For the sake of national security, every adult must carry in his pocket an identity booklet, containing his/her photo, identity number and other relevant data. 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, driver's license, Social Security card, many other identity documents, which indicates what your religion is or what your nationality is.

COMMENT: Your passport and birth certificate say where you were born.

HERB: What difference does that make?

Israel requires every single adult person to have an identity document. So does France, so do many other countries, while many countries do not. Nowhere, in any country, does the document require you to indicate religion. There is a mistaken notion that Soviet internal passports identify a Jew by religion. That is not so. In the Soviet Union there are 21 nationalities. Your nationality is put into your identity document. According to the Soviet Union, Jew is a nationality. The fact that they won't let you learn the religion or the history or the language or anything about that nationality is an internal Russian anomaly. If, on the Israeli identity document they wanted to put nationality, it should be Israeli for everybody. There is only one

nationality in Israel; there are not twenty-one. So the idea of not listing religion would seem to solve the problem. That was a practical suggestion made by several of the respondents. But it hasn't been adopted. The Israeli document indicates, under nationality, either Jew or Moslem or Christian, etc. This is basically incorrect.

2. Another suggestion was to register the ethnic origin, which really meant the national origin. Write down for example, 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 in Israel, some of them may be Jews who have been blackmailed into serving the Soviet Union. Therefore, we could say it is a good idea to put ethnic origin, from a security point of view.

3. 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? Here I am - was one answer, the other answer was . I am a Hebrew. 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 solves

the whole business. In my Israeli identity booklet, on the line which calls for nationality, the clerk wrote 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.

4. Another suggestion has been made. Use the term ger toshav, a resident stranger, which is literally what those two Hebrew words mean. This registers neither your nationality nor your religion, calls you a stranger because you are not yet a convert, but does indicate that you are a resident. It is a halfway point between a ger tsedek, a righteous stranger, who is a completely accepted proper convert. Ger toshav is a half way there.

Let me give you a quick run-down on some of the other answers and some of the interesting sidelines. Rabbi Shlomo Goren, the former Chief Chaplain of the Army, quotes on page 33, 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 have been given the explanation that it is always

known who the mother is, while one doesn't always know who the father is. Let me tell you something, you don't always know who the mother is either. Because a lot of kids get dumped on doorsteps and a lot of kids wind up in foundling hospitals and a lot of kids are farmed out to foster parents and you never know who the mother is. But that is not the reason at all. Rabbi Goren refers to Leviticus Chapter 24 where it is obvious but not explicitly stated that the son of a Jewish mother is considered an Israelite. 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.

Rabbi Solomon Freehof is the leading responsa writer in the Reform Movement. He comes from Pittsburgh and is quite old now, over 90. He has written 10 books of responsa. 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 ger tsedek which is the full convert and ger toshav which is a half convert. Hugo Bergman, of the Hebrew University, Israel's leading physicist, agrees with Freehof that the State should abandon religious registration and adopt only national registration. Ernst Simon, another professor at the Hebrew University, agreed with Ben-Gurion. A Jew is whoever says he is a Jew. Ephraim Urbach, President of the National Academy of Sciences in

Israel, an Orthodox Jew, good Talmudist, agreed with Ernst Simon that there should be no registration of religion or nationality. He doesn't agree, however, that registration should be based on your own declaration. That is not good enough, he says. Non-Jews must be converted, including minors. So he is strict. He says you must convert children, even babies, three years old, three months old, all must be converted. You cannot take the parents' word for it. You have to probe the background, find witnesses, take testimony, fill out forms going back several generations, including towns and countries. All that information should be put in the archives, that is all. It should not be put on the identity card.

A French neuropsychiatrist named Baruch, a man of great intellect whom Ben-Gurion consulted, said (on page 202-205) that he is in favor of the patrilinear as well as the matrilinear descent. That position defines the child to be Jewish if either parent, 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, as we have seen. Baruch 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. Israel should not be so loose with its citizenship. He wants a stricter look at that question, for reasons of security. Too much strictness goes into the religious question, and not

enough into citizenship.

One of the people whom Ben-Gurion consulted was another Frenchman, Andre Naher of the University of Strasbourg, who said the only way to solve this problem was to separate church and state, church and religion. Naher admitted that to separate church and state might destroy the Jewish nature of the State, and might also divide the State from the diaspora outside. Then the Diaspora Jew would have no connection with Israel because the Jews in the diaspora are not citizens of the state, and the only thing that connects the Jews on the outside with the Jews inside is religion. But that might not be enough to hold their loyalty, and the link between Israel and the diaspora would be destroyed.

Ben Gurion asked a great historian from London by the name of Leon Simon. Simon wrote back and said that the Israeli government couldn't make a decision contrary to Halacha. On the other hand, the government must find a solution for the registration of such children. Therefore, his suggestion was to make a provisional registration valid for three years, stating on the identity card that the father was a Jew. If you say the father is a Jew, obviously you are saying the mother is not. During the period of three years, a decision could be made by the family for the child regarding Halachic conversion. So Simon was saying the state should take the initiative, make a provisional registration, then

give the child or the family three years in which to make up their minds. This was very humane, very sensible, and was therefore rejected. Questions were raised. What if, in three years the person or family wants to leave the country? Etc. etc.

Regarding the marriage question, if people cannot be married by religious authority for whatever reason, they can 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. If you and your wife were legally married in Minneapolis or Timbuktu, it doesn't matter by whom, a judge, a justice of the peace, a captain of a boat or a Jewish Rabbi, that marriage is valid in Israel, should you ever decide to visit Israel or make your home there.

COMMENT: If you were not married religiously, then you have children who are not legitimate.

HERB: Of course they are.

COMMENT: They are not Jewish children.

HERB: Of course they are.

I was talking about two Israeli Jews who can't get married inside Israel for some religious reason. Maybe she was divorced civilly and she didn't obtain a get. There are many 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: Are the children of such a marriage then considered by the Jewish, religious court, to be Jews?

HERB: Years later when the children are grown up, want to get married, and go to the Rabbinical court to fill out the forms and are asked about their parents' heritage and marriage, let us assume hypothetically, that the facts reveal that the mother is not Jewish, and the marriage occurred 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 pagan, some sort of a doubt on whether the child is Jewish, they will require the child to be converted.

HERB: No, the child in the above example is not a momser, a bastard. A bastard is one who is born of an adulterous relationship, for example, where its mother was formerly married, obtained a civil divorce, but not a religious one

(get), and remarried. The child of that second marriage is a bastard.

Trouble occurs if the religious authorities refuse to marry the person. Then the family might revolt. The young person goes abroad to marry, as his parents did, and then the family might leave Israel altogether. We have 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). In the majority of cases there is no trouble. The religious clerk will say "we are not sure" or 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 child has got two choices. The young person 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 Mikvah and that will take two minutes and then it is all over and you are converted. It is only formality.

On the other hand, there are people who dig their heels in and say to the Rabbinical court 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, the civil court,

where he enters a claim as a plaintiff, against the Rabbinical court. And most of the time, wins the case.

COMMENT: ...all the marriages that have occurred in America where the woman has converted to Judaism, but not by an Orthodox Rabbi, and the children have grown up and all the time thought themselves to be Jewish, then they move to Israel and have to go through all this.

HERB: Yes - that causes a lot of anguish. I choose that word because it is the most accurate.

COMMENT: I am a lawyer, I deal with the law. 200 years ago some people got together and wrote the Constitution, but that Constitution never contemplated telephone and wire tapping. However, the interpretation of the Constitution is flexible enough to adopt to modern technology. I have a real personal question. You look at Halachic law and you have Rabbi 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, when should the religion be flexible? How do you decide?

HERB: When should the law be flexible?

Okay. You have got to keep the level of irritation down, my friend. This problem can be so frustrating that it can cause one to lose 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 is 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 legitimate. If I may rephrase it, you ask why is it that Halachic law isn't flexible and how can Halacha be changed and what is the process for amending? Okay.

COMMENT: (Interruption). It is not quite the issue because I had a Halachic conversion, it just wasn't by the right people. So it isn't a question of Halacha, it is who is in power. Who is giving the interpretation?

HERB: What was invalid about your conversion?

It was performed by a Conservative Rabbi? did you confront any rabbinical authorities in Israel on the matter?

COMMENT: No, I have not.

HERB: If you remain in the United States of America for the rest of your life you have no problem. There is nobody who is going to challenge your conversion. Now take the imaginary scenario that you want to go and live in Israel.

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 the town of your residence, check in and say, "I would like to inform you that I was converted in America by a Conservative Rabbi. I gather that is not going to be acceptable to you here, therefore, what do you want me 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 suspicious person. There is nothing, according to the Halacha, that he can impose upon you which you haven't already done.

COMMENT: What if the civil court, as you described earlier, says okay, fine. We accept your civil marriage in Rome, and ~~under~~^{order} the Population Registry to register you and your

children as Jews. Does the Rabbinic court have to go along with that?

HERB: If there is a ruling from the civil court, surely. Government employees must abide by court orders.

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 statute 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 might not be able to live in Israel.

COMMENT: One of the scholars we read explained that the Halacha was a dynamic force many years ago and in recent times 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 chisel to the block?

HERB: The leader of the Reform Movement in Israel is an American Rabbi by the name of Richard Hirsch, a sweetheart of a guy. He worked in Chicago, Denver, Washington - he knows America, he knows Israel, he knows Hebrew fluently. He is a very sensitive man and is not interested in deliberately fighting with the Orthodox. But he is interested in getting rights in Israel for the non-Orthodox. the same can be said for Rabbi Theodore Friedman, another American rabbi of the Conservative Movement. These two men 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 inclusion of the phrase Al pi Halacha into the definition of who is a Jew. Were they to fail, and were the Law of Return to be amended by including that phrase, the old conversions in America by Conservative, Reform, Reconstructionists and even some Orthodox would be thrown out the window in Israel. Further, there would be no recourse to the civil court system because the Parliament would be saying that conversion must be according to Halacha.

The first Minister of Religion in the State of Israel was a Rabbi Maimon. 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 Sanhedrin. The Sanhedrin was the religious-legal Supreme Court in the ancient rabbinic period consisting of 71 qualified persons. I

asked Rabbi Maimon whether he, as the authorized official of the newly sovereign state, was searching for the 71 most learned men in the world, men who knew, in addition to Talmud, the disciplines of chemistry, physics and biology, because these were involved in the questions that would be coming up. He said he did not think such persons could be found.

Is electricity fire or not? Rabbi Shlomo Goren, when he was Chief Chaplain of the Army, wrote a monograph saying electricity was not fire. Therefore, in the Army, he argued for the use of electricity on the Sabbath to run the air- conditioning, give the soldiers hot food, and similar new regulations. This was like a breath of fresh air. The civilian Chief Rabbi of the country called him in, read the riot act to him and said that even though Goren was the Rabbi in the Army, he could not re-make Halacha for the whole country. Further, even the Chief Chaplain of the Army comes under the jurisdiction of the Chief Rabbi the whole country. I don't agree with you. Electricity is fire, so tear up your paper. It was a breath of cold air extinguishing the breath of fresh air.

The Halacha today is more inflexible than it has been in the past. The Halacha, all through the centuries, tried to find legal fictions to solve complicated problems.

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

HERB: I think Jewish fundamentalism is going through the same phase in the world as Khomeni fundamentalism and all religions are afflicted by it. There has been a certain tolerance with regard to Jewish fundamentalism for which we tolerant people are paying a price now, because the super-pious (haredim), the fanatics, keep pressing their demands, knowing that the secular people will probably give in. There are two kinds of Orthodox people and organizations. One is flexible. One is not. The Orthodox flexible people are just as pained by this super-piety as the non-Orthodox are, because they see the danger in it. They know that the cause of religion actually suffers, since there is no way in the world 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. How are they to be persuaded to introduce a religious framework into their lives when they equate religion with fanaticism and medieval fundamentalism?

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 cabinet three religious ministers. He was a complete atheist, probably even hated religious establishment, but he rationalized that as a politician, he

had to form a coalition government so he "bought", the Parliamentary votes of several religious parties by giving them three unimportant cabinet posts in the government. He gave the Ministries of Posts, Religion and Interior. 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, and many problems were to arise in the future because that Ministry was in the hands of the religious establishment.

That deal which Ben-Gurion made right at the beginning is called Habrit Hahistorit, the historic covenant, brit meaning covenant. He often explained that he made the covenant with the religious parties in order to have a coalition majority in order to do what he had to do to build up the Army, build up the Treasury, build up the country. He said he had to do it, in order to govern. Others said he didn't have to do it. He should have bitten the bullet right from the beginning, and done without the support of the religious parties. For 39 years now, every successive government in Israel has taken the religious parties into the coalition whether it needed them or whether it didn't need them. And the religious parties say they have, what is called in Hebrew, Hazaka, meaning possession, in the sense of the proverb "Possession is 9/10 of the law". Joseph Burg 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 Police.

So, to go back to the original question (words inserted here are missing here because of xerox - see page 52). There are two things to account for this frozen attitude now: general religious fundamentalism in the world which has afflicted Jews like it has afflicted everyone else, Moslems and Christians; and secondly, an original political error which introduced into the government this coalition of religious parties. Now, number three, having said that, those first two causes can be invalidated if the government calls into being a new Sanhedrin, in order to review the entire structure of Jewish law and see what things need amending in the 21st and 22nd centuries. Rabbi Maimon fudged the question with me because his bottom line answer was he could not find seventy-one people who knew Jewish law thoroughly and also know all the other human disciplines of the social sciences and the hard sciences and mathematics and space and who knows what we are going to have to come up with when we start taking a hard look at this? What defines the Shabbat on a space ship travelling to Mars? Trying to think of the needs of the future is like opening a can of worms, so perhaps it is better to do nothing. That was the essence of his answer.

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. 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 the Orthodox being the enemy. You have to hold your passion down and try to figure out a way through this thing. Since the Orthodox establishment will not convene a Sanhedrin, 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. Since we are not likely to find a solution through the act of the side of convening a Sanhedrin, nor from the persona of a courageous Chief Rabbi, the only recourse we have is the civil court system in Israel. Every time an issue comes up that has to be fought, it must be processed to fight through the courts and these, experience teaches, the side of flexibility and liberalism has a chance.

COMMENT: If I have an issue of personal status I take it to a Rabbinic court and if I don't agree with their decision, 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 enforce its decision on the religious world?

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: I have got a real question. I read about this, I don't know how it resolved itself. The Ethiopian Jews marched into Jerusalem in protest and said they were not converting, because they considered themselves already to be Jews, and no need to convert. It was an insult.

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 Constantine became Christian and everybody in his Empire became Christian, automatically. They protested. The resolution of the Ethiopian matter was that every individual case would be handled by the Rabbinical court. In other words, there was no different solution than before the protest. The only slight bit of difference was that the Rabbinical courts were then very much on the alert to the fact that if they were to go back on the street again the government was going to view

their case very sympathetically because Prime Minister Peres, when he finally settled the matter in a meeting between the delegation of the Ethiopians and the Chief Rabbis' office, said to the Rabbis that they must deal with this flexibly. And they got the message.

Now each individual Ethiopian goes through his own individual process. Obadiah Mogadisho, an Ethiopian who lives in Dimona wants to marry Nellie Polanski, an Ashkenazi who lives someplace else, and they must go to the Rabbinical court to fill out the marriage forms and the Rabbinical clerk looks at him and asks if he is one of Israeli's new citizens. The man says yes, and if that clerk has got the message from the Israel 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.

COMMENT: 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 who have been attracted by the Jewish religious lifestyles.

HERB: That is right, there sure are.

COMMENT: 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 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 is a process for change which is not glacial, and doesn't take decades and decades to get effective. 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. Anybody else says, can't Halacha be re-interpreted some other way? When the Orthodox don't come up with a viable process, I think that is the cause of the dissatisfaction. It isn't specific issues, it isn't the great protests against autopsies, for example. An Halachic approach is required whether it does or it does not wish to authorize much broader categories of autopsies to be permitted. When there was a permanent Sanhedrin, whether it was sitting in Tiberias or Yavna, or Babylonia for the next 500 years, 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. 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.

COMMENT: I think there is another problem. I think there is a monopoly on definition. The Orthodox seem to have a monopoly on definition and every one else in this room seems to be allowing the Orthodox to have that monopoly. There are a lot of people, who are considered to be Jewish. Those people who are considered to be Rabbis by a great majority of Jews are not considered to be Rabbis by the Orthodox.

HERB: They are not considered to be Halachic authorities.

COMMENT: A Reform Rabbi says that patrilineal descent is a fair way to decide whether a child is Jewish. An Orthodox Rabbi 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. 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 knowledge of the Halacha that most Orthodox Rabbis do who have spent decades in the Yeshiva. By the way, many Orthodox Rabbis haven't done that so they are not qualified either.

Around this table there has to be just as much objectivity as it is possible to achieve. We have to be kind of superhuman and not indulge ourselves in the ordinary human passions. 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 thought and self-discipline. I cultivate that posture on purpose in order not to be polemical 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: I do understand that. Now, let's go on with this patrilinear matrilinear subject. The business of who is a Jew starts from the Law of Return which attempts to define who is a Jew, and which leads to the further questions of who is admissible to the country, who requires conversion, what kind of conversion, who is qualified to give the right conversion,

etc., etc. Everything is based on the accepted premise that the child follows the religion of the mother. That is the rule. If the mother is Jewish there is no problem, the mother doesn't have to convert, the child 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 this is based on the premise of matrilinear descent. Okay.

In 1968 the Reconstructionist movement challenged that. 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 Havurah? The Association of Reconstructionist Havurot and Congregations passed a resolution in which they said a child of one Jewish parent, whether it is father or mother, is Jewish. In 1983, the Central Conference (Reform) of American Rabbis passed a similar resolution. Let's give credit to the early wisdom of the Reconstructionist movement in looking for a solution. But they were a tiny movement, they didn't influence very much, they didn't get much publicity, nobody knew what they did. In '83, when the Central Conference of American Rabbis, the big Reform body with more than 1,000 Rabbis in it and with a couple of million American jews members of those congregations took the same step, that attracted attention.

The logic was very simple: by what right do we exclude anybody? Are we so rich in numbers? Don't we remember what happened in the Holocaust? Wouldn't we like to make up some of that loss? Why do we turn people off instead of welcoming people in? That was a psychological approach. Then came their religio-sociological justification and that is what I want you to learn.

The justification begins with the 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 position. One: the passage of the title Kohen (priest) or Levy (priest) goes down from father to son. Mother has nothing to do with it. And that is the most telling of all factors because this goes back to the time of Moses and Aaron. Two: there is the clear statement in Numbers, repeated again in the Talmud in Beba Batra and in Yevamot. Mishpachat Av Kevua Mishpacha, Mishpachat Aym Ayna Kevua Michpacha. 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: 1. Rachel's lineage is traced through her father, Laban. No mention of the mother. 2. Pharoah gives to Joseph in Egypt a wife, Asnat, the daughter of Potiphar, and Asnat bore Joseph two sons. Who are they? Menasheh and Ephraim, and every

religious Jew on Friday night blesses his sons that they may be like Menasha and Ephraim whose mother was an Egyptian Priestess. She certainly wasn't Jewish. 3. Whom did Moses take as wife? Zipporah. Who was she? A Midianite. A Beduin from the Sinai desert. And his sons were whom? Gershom and ELIEZER, high priests. Their mother wasn't Jewish. 4. We can go all the way down to Samson who married a Philistine girl Delilah 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 the rule was that the child was Jewish if the father was. When did it change?

It changed when Ezra and Nehemiah came back from Babylonia, ca. 500 BCE, after the destruction of the first temple, and they found some of the remnants of Jews still living there in the Holy Land married to non-Israeli women. Ezra was very strict and he drove out the foreign wives of the Jewish men and their children with them. This was the beginning of the concept that the children follow the religion of the mother. The very beginning, the first episode.

While the push to accept patrilinear once again, as well as matrilinear was made by the Reform and the

Reconstructionist movements, I would like to prophesy that inside ten or twenty years to Conservative movement, which will also be heavily afflicted by intermarriage, will see the same light as the other two movements saw, and will accept the patrilinear approach to people instead of rejecting them. The reason for the prophecy is that we are talking about very large numbers. Scores of thousands of marriages take place every year where we have an option of pushing the people away or welcoming them in. And when we contemplate the future children and grandchildren of these marriages, total numbers of people affected can be hundreds of thousands. The Orthodox reject the patrilineal approach categorically, and even say that this will cause a split in the Jewish people, for they will not allow their children to marry the children of uncertain Jewish lineage.

This issue has become a war of nerves. The Orthodox accuse the Reform of instigating it in order to get back for the Orthodox efforts to pass "Who is a Jew" legislation. I don't think that was the motivation of the Reform movement at all. The proof is in the address made by the then President of the Reform Rabbinical Conference, Rabbi Jack Stern who was pleading for tolerance and understanding on both sides and said we have to walk carefully with each other and if we come to issues which are irreconcilable, then we have to skirt around them. We have to agree to disagree and not call each other names. The Reform movement would not back off from its

patrilineal stand since it would bring tens of thousands of good people a year into the fold. When a Jewish man marries a non-Jewish woman, even if she does not wish to convert, yet 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 mitzvah and the girl is confirmed, they are publicly taking a position of being good Jews and educated Jews, we should be happy to welcome the whole family into our peoplehood.

AMERICAN JEWISH ARCHIVES

If that is not acceptable to an Orthodox Rabbi, Rabbi Stern went further and said that there would be no objection if 20 years from now, that Orthodox Rabbi could insist that the person must be converted before being married. Let the child be converted 20 years from now. That is no insult, no crime, no hassle. It might be considered redundant, unnecessary. The result of obstinacy, but what is the difference? If that is the only way the Orthodox will be satisfied, do it. The important thing is to agree that the child is Jewish, if the father is and the mother isn't, but they both decide the child is to live and act as a Jew. If, later on, the super-Orthodox want to "rectify" that by converting the child, then the Reform should agree to that.

COMMENT: Then the Orthodox are not really agreeing. I don't understand...

HERB: Right. They may not be agreeing whole-heartedly.
But a way has been found to satisfy both sides.

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

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

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

HERB: It is law.

COMMENT: It is 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?

COMMENT: 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.

COMMENT: Rehnquist is appointed according to a process by which I agree. There is no Orthodox Rabbi that is appointed by a process that I had anything to do with.

HERB: 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 the minutiae of the law are like you who spent 8 years in medical school and residencies. They know Orthodox law. I may think it is obscurantist, I may think it is without flexibility, and needs updating. 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 you and 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. 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 Rabbinical office could consist of 20 rooms in a municipal building if it is in Tel Aviv or 2 rooms if it is in a little town, and there will probably be one Rabbi, one Rabbinical judge, called a Dayan, 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 Ashkenazi and one Sephardi are elected by a Rabbinical Council of about 60 Rabbis from the whole country. The local Rabbi is a government employee who acts like 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 position.

COMMENT: Can he be a Reform or Conservative Rabbi?

HERB: No. He can only be a Rabbi approved by the Rabbinical Council of Israel and they approve very few men, all Orthodox, but even many Orthodox rabbis don't meet their qualifications.

COMMENT: I don't think the analogy holds. I don't remember which author stated it, but someone stated it best when he said that even the Torah, our holiest of holy books, 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 in which "the rest is commentary" was quoted. Hillel said: "Love your neighbor as yourself. Go study. The rest is commentary." Ladies and gentlemen: 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 with which they were familiar. In Israel today the Supreme Rabbinical Council is a valid body. It has its criteria of how much material it wants its rabbis 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 gets every housewife coming to him with a question: 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. 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 bureaucratic officials are. The system is rigid. The decisions are tough. You are used to easy permissiveness in the United States. That 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 *oleh* in Israel is three years. When questioned about all the reasons why he leaves Israel he says, among other things, (especially if he has had a nasty experience with the religious authorities), I can't take this business of church and state.

COMMENT: With the exception of a 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 they say 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: Because it comes up only later, when the child is ready to marry. It comes up only regarding 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: 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. The Ethiopian says that he is Jewish and conversion is only a symbolic act, unnecessary. These are a minority but they are very very vehement in their opposition to doing it for some vague principle.

HERB: And so the issue is diffused and they will do it not for principle, but 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, you make one compromise.

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 have the problem in America and have that kind of religious war among the religious groups?

HERB: I frankly do not visualize the same kind of problem in the United States. 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 insists upon theorizing that there an 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 upon a common conversion procedure that everybody would be satisfied with, you would have no conflicts. This is what Rabbi Irving Greenberg advocates as an Orthodox Rabbi. Rabbi Jack Stern says, as a Reform Rabbi, that he would go along with it. The issue at stake is very simple, it has to do with Mikvah and immersions for women; circumcision and immersion for men. That is what is required from a ritual point of view. What is required from an educational point of view depends upon the degree of seriousness of each individual Rabbinical court.

There was an experiment in Denver, Colorado which worked for a long time, almost ten years, and now has disbanded, unfortunately, under the acid erosion of mistrust and mutual fighting. All four groups in Denver created a common Beit Din, which handled all religious problems by mutual consent. When the Reform people get divorced, they don't necessarily think of obtaining a "get". This Rabbinical

Board in Denver said everybody going through civil divorce, should also go through religious divorce. That makes religious remarriage possible. There are some men who refuse to give a religious divorce to their wives. The Beit Din took punitive sanctions against such men. Everyone converting went through the agreed upon common procedure. There was one Mikvah in town, every Rabbi of every denomination sits on it, every Jew in town knows it is a universal umbrella board, and live by its decisions. It was a dream situation. I don't know what broke it up. Something eroded it. Something must have happened, I don't know what it was. It doesn't exist anymore.

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 worst case scenario is the child of that marriage 20 years from now wanting to marry an orthodox person and the Orthodox person's Rabbi says: "Well, your mother was converted, fine. And who did? Rabbi so and so? Listen, he is not as strict as he ought to be. I don't know what to do." And if he won't accept it he might suggest that the bride--or--groom-to-be go through an Orthodox conversion, which will not only solve the marriage-to-be, but also the future children of that marriage. So, you can either agree to that, or refuse, on principle, because you consider your mother's conversion to be valid, in good faith; or you can go shopping until you find an Orthodox

Rabbi who will accept her conversion and your identity as a Jew. 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 Orthodox Rabbis you have in your town, but I can't believe that 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, and the whole family has been living as good Jews all that time, 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 go along with the American tradition of tolerance and mutual respect between the denominations.

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 permeate the ranks, to begin to be accepted up and down the line. When this resolution was passed in 1983 by the Central Conference of American Rabbis, which is the Reform professional body, it was then taken to the floor of a biennial meeting of all the reform congregations, the lay members, called The Union of American Hebrew Congregations. I was in Los Angeles in 1985, with three thousand delegates there, that a massive floor debate

took place on the issue. Hundreds of people wanted to speak, and they did and when the whole discussion was over with, the Plenary Session voted overwhelmingly to accept this decision.

HERB: Don't forget, the whole point of this discussion tonight is to let you understand that the patrilinear approach is a very old one. We began our history that way, way back to Moses. We shifted to matrilinear, and 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 involves a Jewish man marrying a non-Jewish woman. The number of cases of the non-Jewish woman converting is constantly on the increase. In case the non-Jewish woman doesn't want to convert, she should not be forced. 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, 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. And it is not as though we are inventing a brand new wheel. that is all. The man who intermarries today did what Moses did. The whole difference is that Zipporah 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? It will gradually come to be accepted - and a new norm will have been established.



MEMORANDUM

TO: All Students in Wexner Seminars

FROM: Rabbi Herbert A. Friedman

SUBJECT: Summary of Third Lecture on Jewish Identity
According to Assignment on Mordechai Kaplan

DATE: April 22, 1987



RECAP ON JEWISH IDENTITY

1. Judaism is not a religion only, in spite of Napoleonic Sanhedrin.
2. Judaism is not a race, in spite of Hitler.
We looked at examples of Khazars and Berbers.
3. Judaism is not a nation, except for those who live in Israel. All Jews outside possess qualities of nationhood or nationality (potential) and are hyphenated.
4. Who is a Jew?
 - a. Ben Gurion's definition - whoever declares him/herself to be.
 - b. In Israel - conflict between religious and civil authorities.
 - c. In Diaspora - matrilineal vs. patrilineal.

5. Most inclusive possible definition - Jews are a People. Mordecai Kaplan defines this same thought: Judaism As a Civilization.

SUBJECT OF JEWISH IDENTITY HAS TO DO WITH:

THE GROUP AND INDIVIDUALS IN THE GROUP

I We have dealt, so far, and will deal further with the Group

Are we a religion only (Napoleon) - No

Are we a race (Hitler) - No

Are we a nation (Herzl) - Only those who are
Israeli citizens

Are we a nationality - Yes, double nationality for
Diaspora Jews - one juridical, one sentimental

Are we a fossilized remnant (Toynbee) - No

Are we a "PEOPLE" - (S.S. Wise, Kaplan, etc.) - Yes

II Now let us deal with individuals

A. Who is a Jew?

1. Abraham - by circumcision

2. Ruth - by attachment

3. Mishna - Four Categories

a. Lineage follows father

b. In sinful marriage, lineage follows the
parents of lower status.

c. Offspring is mamzer in an adulterous or
incestuous relationship.

d. Union of Jew and Gentile, lineage follows
mother.

4. Ben Gurion's suggestion - anyone is a Jew who says
he is. Replies to Ben Gurion from scholars all
over world can be summarized as follows:

(Take out summary from other notebook)

Kaplan's "Foreword" in 1957 to a New Edition of
"Judaism as a Civilization",
First published in 1934

"The idea of 'Judaism as a Civilization' was not intended as a slogan to abet laxity in ritual observances or indifference to religion. It was definitely intended to motivate in Jews a maximum and not a minimum identification with Jewish life.

'Judaism as a Civilization' is a call to American Jews to attend to the following needs:

1. To reaffirm Jewish peoplehood
2. To revitalize Jewish religion
3. To form a network of organic communities
4. To strengthen the State of Israel
5. To further cultural creativity
6. To cooperate with the general community in all endeavors in behalf of freedom, justice and peace.

May God grant that our People heed the call."

Arthur Hertzberg's Introduction
To The 1981 Edition Published in Celebration of
The 100th Birthday of Mordecai Kaplan

The history of the Jewish spirit has oscillated between the insistence on Jewish separateness and the desire to make Judaism part of society as a whole.

A whole literature arose to harmonize Greek and Jewish wisdom. The culminating Figure was Philo. In the court of Judah La-Nasi there were reputedly 500 young people who studied Torah and 500 who studied Greek wisdom.

Maimonides was the supreme example of the attempt to bridge the two cultures: The Rabbis of Provence excommunicated his "Guide to the Perplexed".

Moses Mendelsohn consciously modeled himself on Maimonides.

Kaplan was in this tradition, the first in America to blend the learning and temperament of a Lithuanian Rav with the pragmatism of John Dewey.

He essentially ceased being an orthodox believer in his seminary days, when he accepted the documentary hypothesis of higher Biblical criticism, thus denying that Moses was the sole author of The Torah.

Kaplan was the dominant intellectual force at the J.T.S. for three decades, from about 1915 to about 1945. When Louis Finkelstein, who was truly orthodox, became Chancellor, Kaplan's influence began to wane.

Kaplan really wrote the script for both the conservative and reform movements: Zionism; Jewish center movement; synagogue with broader program; natural rather than supernatural approach to God and chosen people; maintenance of urge for survival; resistance to assimilation by preaching that sub-groups added to the richness of America (i.e. he was against "melting-pot" theory).

Yet he would not function in either of these movements (Stephen Wise begged him to become the academic and spiritual head of the J.I.R. in 1922, but he refused). Instead he founded his own synagogue, The Society for The Advancement of Judaism in 1921, which was the forerunner of the Reconstructionist Movement. Yet he would not become connected with the Reconstructionist Rabbinical College nor its congregational movement.

Kaplan's basic ideas shaped the non-orthodox world in America for three-quarters of a century. Some of his basic ideas are being challenged today, and must be redefined:

1. Zionism is not a barrier to assimilation
2. The Holocaust raises the question of theodicy - i.e. God's justice.
3. Supernaturalism (i.e. "chosen people") is returning to fashion.

Chapter VII - Needed: A Program of Reconstruction

It is by no means a foregone conclusion that Judaism in America is destined to live. It all depends on what the Jews of this and the next generation will do.

Does the Jew find his heritage spiritually adequate and rewarding? This question is the crux of the problem.

In order that Judaism shall survive, Jews must focus their mind and heart upon the task of giving purpose and direction to what is at present little more than a blind urge to live as Jews. It is necessary to formulate a philosophy of Jewish life as a whole. It must be a philosophy that discerns an organic connection among the experiences and needs of Jewry, its dispersion and its diversity, its past and its future, its religious commitments, its manifold expressions, its many traits and tendencies, its need for self-adjustment and its prerogative to mold environment.

The program advocated in this book is based on the cultural version of Judaism, that Jewish civilization can function in varying degrees in the Diaspora, provided it have its home in Palestine and retain both its Hebraic and religious character.

Chapter XIV - JUDAISM AS A CIVILIZATION

The most vital issues which confront the Jews today do not even figure in the theoretic background of neo-orthodoxy, reformism, and their variants.

1. The Upbuilding of Palestine.

If it is a fact that the Zionist movement has brought about a renaissance in Jewish thought and activity and has helped to render Jewish life creative, could there be any graver indictment of the current versions of Judaism than that they neither originated nor sponsored that movement?

2. Anti-semitism

There should be a formulation of a philosophy to counter anti-semitism, including general principles about the rights of minority groups, nationalism, internationalism, tolerance, and cognate issues.

3. Communal organization of each local Jewry

The various versions of Judaism seem to contemplate only the congregational form of organization. Philanthropy and social work cannot be carried on without communal organization.

4. Jewish education

The most convincing proof of the inadequacy of the various groups is the futility of the educational efforts carried on by all of them, and their inability to lift the dead weight of ignorance which obtains in their ranks.

The Jew's religion is but one element in his life. It is a mistake to conceive the task of conserving Jewish life as essentially a task of saving the religion. Judaism as otherness is something far more comprehensive than religion. It includes the nexus of a history, literature, language, social organizations, folk sanctions, standards of conduct, social and spiritual ideals, aesthetic values, which in their totality form a civilization.

If one does not have a taste for praying three times a day and studying the Bible and rabbinic writings, there is nothing in any of the current versions of Judaism to hold one's interest as a Jew. Judaism can no longer be confined within the neo-orthodox term of revealed religion nor the Reformist term of ethical monotheism.

Civilization is an abstract term. The actuality is civilizations - there are many. The development of differentiated civilizations is due to non-transferable elements like language, literature, art, laws and religion. A civilization is not a deliberate creation - its growth is like any living organism - arising out of centuries of living, working and striving together. The forces of suggestion,

imitation, education of the young work through the existence of the social institutions of the family, school, religious organization and communal self-government.

Being a Jew is thus primarily a matter of momentum. As a civilization, Judaism possesses the prerogative of being an end in itself. The question "why be a Jew?" loses its relevance. If Jewish life is a unique way of experience, it needs no further justification. We may call this approach to Judaism the intuitional approach, in contrast with the traditional approach of neo-Orthodoxy or the rational approach of Reformatism. The religious observances claimed the fervent loyalty of Jews because they were a unique way of collective self-expression. "If a Jew makes the benediction over food in the authentic words used by his fellow-Jews since time immemorial the world over, he revives in himself, wherever he be at the moment, communion with his unyielding and imperishable race." (Haffkine). To one who argues thus, Judaism is not merely a revealed religion, but a civilization.

The Jew must so identify himself with every facet of Jewish life that all aspects of it find their reflection in him. The Jew cannot live Judaism as a civilization unless the past of his people becomes his own past, unless his entire being becomes a nerve that reaches out to the life of his people, and is aware of their every experience.

Chapter XV - CONSTITUENT ELEMENTS OF JUDAISM
AS A CIVILIZATION

1. A Land

Judaism could neither have arisen, nor continued to exist, apart from the land that gave it birth. A common country molds an aggregate of human beings into a people. It serves as the physical basis of a people's life and civilization.

During the 15 centuries of Israel's stay in Palestine there unfolded the unique drama of national life in which all the forces, ideas and strivings that make up Judaism came into play. Without Palestine, Israel could never have been molded into a people with a common culture.

During the 19 centuries of Diaspora, the hope and prayer for the recovery of Palestine was constant. No matter where the Jews lived, culturally and spiritually they moved in a Palestinian milieu: They prayed for rain and dew in Palestine, not the lands of the dispersion; three times daily they prayed for the success of crops in Palestine; after every meal they gave thanks for the land.

In the exile, they lived in self-governing groups, always a "state within a state." Kant called the Jews "Palestinians who sojourn among us." The Jews living in all the lands yearned eternally to be a nation in their own land.

2. Language

A common language is an indispensable vehicle of a civilization, and the most conspicuous element in it. Every language is a storehouse of ideas and experiences which are common to the members of the group and distinguish one group from others.

The most sacred and intimate experiences of a people cannot be faithfully reproduced in a foreign tongue. Hebrew is a prerequisite to the understanding of the Bible.

A language helps to keep alive the collective consciousness of a people. A people that speaks its language is not dead. Among the first measures adopted to stamp out the national spirit of a conquered nation has been the prohibition of its language in the public schools.

In the first 700 years of its, Judaism was engaged in acquiring the Hebrew language and building up a rich literature. After the destruction of the first Temple, Hebrew fell into disuse. Nehemiah associated this with the intermarriages taking place. (Neh. 13:23-24) "In

those days also I saw the Jews who had married women of Ashdod, Ammon, Moab, and their children spoke half in the language of Ashdod, and could not speak the language of the Jews. But according to the language of each people."

Hebrew was unable to hold its own against Aramaic, which was the vernacular and also the official language of the western half of the Persian Empire. But Hebrew remained the language of prayer, of the elementary school, and part of the Jewish dialect which grew out of the vernacular (Yiddish from German and Ladino from Spanish). Hebrew did not succumb, but retired to the inner sanctuaries of Jewish life.

Jews have been bi-lingual since the 5th century BCE. They have held Hebrew, plus dialects which included Hebrew words and idioms, and which were written in Hebrew script.

The rebirth of the modern Hebrew language is a miracle of the spirit, created by a handful of enthusiasts.

3. Mores, Laws and Folkways

The main content of a civilization consists of folk habits and folk sanctions which produce a like-mindedness among the same people, and a consciousness of difference from other peoples.

Social habits include folkways, social etiquette, moral standards, civil and criminal laws, and religious practices.

The Torah sought to provide for all the contingencies of human life. (Deut. 4:6) "observe (the laws) therefore, and do them; for this is your wisdom and your understanding in the sight of the peoples, that when they hear all these statutes, they shall say: Surely this great nation is a wise and understanding people."

Among the mores which a civilization can least forego are those which pertain to child-rearing. Judaism functioned as a civilization throughout the centuries insofar as it had a monopoly on the first years of the child's upbringing. Judaism functions only so long as it is co-extensive with the whole of the Jew's life. To be that, it has to consist of the entire range of social habits, from the most artless folkways to the most formal legislative decree and the most self-conscious ethical standards.

4. Folk Sanctions

The folk sanctions of civilization include the traditions, both oral and written, which motivate its folk habits. In all early civilizations, the

folk sanctions are related to deities, who live in the same place where the folk resides and who reward or punish the folk's activities.

In the Jewish civilization, religious and national sanctions coincide.

At the present time, sanctions are weak.

5. Folk Arts

A civilization cannot endure in a high plane without the preservation and cultivation of its arts. Art forms may be understood as the rhythms into which the emotions of a civilization fall at their moments of highest power and intensity.

Judaism did not develop the plastic arts, but did develop literature, music and dance to a high degree. Every festival occasion, every climax of public or private life was celebrated with music and song. The Babylonians demanded song of the captive Jews (Ps.137), and the Chasidic movement of the 18th century developed song and dance into powerful factors to express the mystic and joyous aspirations.

As a collection of literature, ranging from saga to drama, from lyric poetry to philosophic meditation, the Bible is without parallel in the literature of the world. The Middle Ages saw the creation of a vast body of devotional poetry, called piyyut. And the objects of ritual practice

were notable for their beauty - Torah mantles and ornaments, candelabra and spice boxes, Kiddush cups and arks, eternal lights and charity boxes, all came to be symbols of group emotions.

6. Social Structure

A living civilization must include a general will to conform to the laws and folkways.

Without a social structure, without teachers and officials, whose authority is recognized, to indicate what is important and sacred, the maintenance of the folk sanctions, is impossible. In early society, the social structure was related to the God-idea, and authority expressed itself through the double sanction of religion and physical force. This was later known as the combination of church and state.

As long as the Jews were in their own land, they were in the position to employ both these forces to maintain the social structure. It was the absence of this social structure in the Diaspora which was a strong motivation in praying for the restoration of national sovereignty.

Since this restoration could not be immediately achieved, the Jews depended upon the internal communal instrument of excommunication, which, when

pronounced in one community, was operative in all. With the rise of modern ideology, the power of excommunication has been eliminated from Jewish life.

The problem today is to find the proper type of social structure, to animate the form and content of the Jewish civilization.



Chapter XVI - IMPLICATIONS OF THE PROPOSED
VERSION OF JUDAISM

- I. As a civilization, Judaism is not a static of beliefs and practices, but a living and dynamic social process. The changes which have taken place in Judaism's development show three distinct stages.
- A. The Henotheistic Stage, which could be called Israelitism, centered around YHWH, who revealed Himself and made his covenant with the people. YHWH as the only God had not yet evolved - "no other gods before me" (implying there were others) and "who is like unto thee among the gods (implying that YHWH was simply the most powerful). This stage lasted from approximately 1200 - 800 BCE.
- B. The Theocratic Stage, which could be called Judaism, in which there was no longer the need for revelations to make known the will of God. The more appropriate method was a "series of torot" which were interpreted as His will by priests and judges, reinforced by a sacrificial system and laws of ritual purity. This stage lasted until the Dispersion - approximately 100-200 CE.
- C. The Other-Wordly Stage, which could be called messianism, in which was developed the concept of the world-to-come, as expressed in Avot - "This

world is like unto a vestibule before the world to come." This stage has lasted for approximately 1800 years, to the present, when other-worldliness is substantially discarded.

It is remarkable to contemplate the exceptional vigor of the spiritual vitality of the Jewish people which enabled it to remake itself from a henotheistic kingdom into a monotheistic theocracy and then into an other-worldly ecclesia.

II.

Judaism is now on the threshold of a fourth stage, and the civilization into which it will grow will be humanistic and spiritual. As a modern civilization, each aspect of Judaism, its language and literature, its ethics, its social organization will acquire not independence but its own structural reality of interdependence. Religion will still occupy a position of primacy, but it will be a *primus inter pares*.

No uniform pattern of Jewish life can meet the needs of the different Jewries any longer. Jewry will have to be divided into three zones:

- A. The first zone is Palestine, which is the only place where a Jew can live entirely within his people's civilization, in a normal life within an organic community.

- B. The second zone is in those countries (like Poland, Rumania, Czechoslovakia and others) where the Jews are granted the rights of a culturally autonomous minority people.
- C. The third zone is in those countries (like America, France and others) where the only civic status recognized by the state is that of individual citizens, and where Judaism can survive only as a subordinate civilization. The Jew in America will be first and foremost an American, and only secondarily a Jew. For Jews living in such third-zone countries, there has not yet been articulated any frankly-avowed group category. Catholics are just as unassimilable in a Protestant country like America as are the Jews. Catholics and Jews are hyphenates. What is needed to normalize their status is to have the cultural hyphenism of minority groups accepted as legitimate.

III. There are minimum requirements which anyone who wants to live as a Jew must meet. No single Jewish activity or interest can serve for the whole of Judaism. Some argue that under circumstances which make a full Jewish life impossible, Jews ought to be satisfied with the cultivation of their religion (orthodoxy) or ethical idealism (reform). Such arguments forget that religion and ethical idealism

mean nothing apart from the particular civilization through which they find expression.

When Neo-Orthodoxy and Reformism offer such radically opposed solutions to the problem of Judaism, one is tempted to conclude that the truth must lie somewhere midway between the two. This is not so. The wise procedure is not to aim at some haphazard synthesis of the strongest elements of both. The logical procedure is to approach the problem of Judaism from an entirely new angle.

The immediate need is for some conception of Judaism broad enough to include within its scope all who want to remain Jews, whatever the motive. Some basis of creative unity among Jews must be found that will not require anyone to surrender his convictions or do violence to his conscience.

The conception of Judaism as a civilization allows for diversity of belief and practice, for all forms of socially useful activity and all types of group associations, without in any way impairing the organic character of Jewish life.

Both Neo-Orthodoxy and Reformism are sectarian. The one purports to represent the only true Judaism, the other Judaism at its best. Either contention must be a divisive influence. But Judaism as a civilization admits of more than one religious viewpoint.

The survival of Jewish life is by no means dependent upon unity among Jews or uniformity in Judaism.

The advantage of a category like "civilization" as descriptive of Jewish life is that it suggests the basis of and material for interaction among the most divergent elements of Jewry, by reason of the large consensus of Jewish interests and purposes which it connotes. Perhaps, Jewish life is henceforth destined to be "an experiment in antagonistic cooperation."



Chapter XXXII - CREATIVE JUDIASM - A PROGRAM

What must Jews do to render Judaism creative?

1. They must rediscover Judaism - know its true scope and character. It must be recognized as nothing less than a civilization, which includes the social framework of national unity centering in a particular land, a continuing history, a living language and literature, religious folkways, mores, law and art.

Jews must rethink their beliefs, reorganize their institutions, and develop new means of self-expression. Judaism must assimilate the best in contemporary civilizations. The criterion to determine whether a suggested change is beneficial or detrimental to Judaism is the extent to which it helps Judaism retain its continuity, individuality and organic character.

The individuality of Judaism is maintained by keeping alive the element of otherness in the Jewish civilization. Not separatism must henceforth be the principle of living as a Jew, but otherness.

2. They must redefine the national status and reorganize the communal life of the Jews. Palestine should serve as the symbol of the Jewish renaissance and the center of Jewish civilization. Without such a center, it is impossible for Jews to be conscious of their unity as a people.

Jewish communal life is the sine qua non of cooperation among Jews. Communal life means:

- a. Congregations will be units in these communities.
 - b. There should be other units to express Jewishness through literature, the arts, social welfare and social justice.
 - c. The community should direct Jewish economic life into productive occupations - i.e. industry and agriculture.
 - d. The community should establish centers, to stimulate the creative arts.
 - e. The community should establish Jewish arbitration courts, and archives to record births, marriages, divorces, deaths.
 - f. Priority should be given to Jewish education, including higher, and adult.
3. They must revitalize the tradition. So many Jews display such a negative attitude toward their tradition, because they feel its theology has ceased to have any meaning for them. Uniformity of

religious belief is no longer possible. Jews must be made to feel that it is permissible for some to think differently and behave differently, so long as the sancta (certain events, places, persons, objects) are felt by all to be central. Multiple ideologies are compatible with group spirit.

Religion must continue to be the central identifying characteristic of Jewish civilization, but we must take into account the distinction between personal religion and folk religion. The former is what each individual Jew develops in accordance with his personal view of life and the universe. The latter is the practice of the maximum number of religious customs and folkways compatible with one's outlook. Folk religion should endeavor to make public worship as significant as possible by relating it to the ideology of the modern Jew, while basing it upon traditional forms as far as they are consistent with spiritual appeal.

It is a far cry from the simple Judaism of the past to the intricate program called for by Judaism as a civilization, which is not a form of truth (as divine revelation) but a form of life (as humanly achieved). To survive, Judaism must become more complex. The Jew will have to save Judaism, before Judaism will be in the position to save the Jew.

ETHICS TODAY

SPEECH GIVEN AT PALM BEACH RETREAT

FEBRUARY 19, 1988

At a conference in Washington last week on the subject "American Jew and Ethics", Arthur Liman, the chief counsel to the Congressional Committee on the Iran/contra affair, said:

"Iran/contra was a moral failure. It was not simply sloppy management style of the President, as the Tower Commission concluded. The White House secretly and deliberately disobeyed the law. The President has not condemned any individual or any part of the action. The most he said was that he might have made a mistake - he never said the operation was wrong.

Young people learn morality by example. When the hearings were over, the people had no sense of a conclusion. there was no clear moral message from the President, who must say that it is wrong to evade the law. _He didn't say it. No wonder there is moral ambiguity in the youth."

1. PRESENT MALAISE

The moral mood today is one of great malaise. The people groan as they await the next heavy headline. There is confusion in the land. The air is filled with jeremiads decrying the death of morality.

Barbara Tuchman wrote an article in the NEW YORK TIMES MAGAZINE, entitled "A Nation in Decline?" in which she expressed her fear that a deteriorating ethic in the United States, accompanied by incompetence and inefficiency, threatened the survival of this nation.

"One gets the feeling that false dealing is now the prevailing element of American life and may account for the sense of decline we feel in the American condition. Every morning's newspaper brings the story of yet another municipal or Federal official indicted for, or charged with, wrongdoing of one kind or another, from the nation's highest judicial officer down to the cop on the block.

It does seem that the knowledge of a difference between right and wrong is absent from our society, as if it had floated away on a shadowy night after the last world war. So remote is the concept that even to speak of right and wrong marks one to the younger generation as old-fashioned, reactionary and out of touch."

Irving Kristol, Professor of Social Thought at N.Y.U. wrote a devastating essay in the WALL STREET JOURNAL entitled "Ethics, Anyone? or Morals?", in which he described how the subject of moral philosophy, as taught in the 18th and 19th centuries was intended to improve conduct and the professors took it for granted that the students ought to leave their studies more moral than when they began.

"In the 20th century all this has changed. Modern moral philosophy - what in academia is now called "ethics" - is no

longer committed to moral instruction or moral elevation. It is proudly "value free" - i.e. devoted to rationalist, scientific skepticism. "Ethicists", as they are now called, explore logical loopholes in the systems of other ethicists. None of this has anything to do with the practice of morality by actual human beings.

Once upon a time practically all colleges and universities insisted on their right to dismiss a faculty member for moral turpitude. that phrase and the concept itself are now dismissed as archaic remnants of an unenlightened past. Our universities today don't know what moral turpitude is. How can any serious person say that the teaching of ethics has nothing whatsoever to do with making students more moral rather than less? Nevertheless that is precisely the case."

A NEW YORK TIMES editorial, entitled "A Year of Shame", offered the following first paragraph:

"As one scandal after another unfolds, it is clear that President Reagan presides over one of the most corrupt administrations ever. Whether measured by the rank or the sheer numbers of officials who have come under ethical suspicion and criminal investigation, the amount of sleaze is awesome. Precise comparisons to the Grant, Harding and Nixon administrations aren't possible or necessary. The Reagan Administration rivals them all for official lawlessness, contempt for the law, and playing loose with the truth.

A WASHINGTON POST article was headlined "Has Truth Gone Out of Style?"

"Did Ronald Reagan feel small and slimy in 1987, the Year of Lying Dangerously? Did Joe Biden feel small and slimy? Did Pat Robertson, Gary Hart, Jim and Tammy Faye Bakker, Oliver North, Adm. John Poindexter, Elliott Abrams, Robert McFarlane, the Hon. Mario Biaggi, the boys in the odometer department at Chrysler, the gang at Beech-Nut, William H. Casey, the Wall Street insiders....Did these people feel small and slimy for helping to create not just one dupe, but a whole nation of dupes? Expediency, whatever sells, is the final test."

2. DEFINITIONS OF ETHICS AND MORALS; ETHOS & MORES

(Taken from "An Incomplete Education" -
Judy Jones and William Wilson)

In early English scholarship, the two words were treated as synonymous, deriving from Greek *ethos* (native or disposition) and Latin *mos* (custom). Gradually though, ethics came to be viewed as the science or philosophy of morals, morals as the practice or enactment of ethics. As often happened in those days, the Latin-derived word was used for the real, tangible, everyday doing of something; the Greek-derived one reserved for the idealized, theoretical understanding of that doing.

Today some people say "ethics" even when they mean "morals" simply because the word is that much less common. Make a distinction between the adjectives, ethical and moral. Moral has

been tainted by the association of its opposite, immoral, with sexual misconduct, and as a result lost much of its range. Ethical has been left to describe all kinds of recognizable, day-to-day behavior that is proper, admirable or just plain honest.

When people ask themselves or their friends - was Reagan lying, was North lying, is Meese covering up, did Jim Bakker do it with Jessica Hahn, is Deaver guilty of anything serious, should Gary Hart be disqualified? - What they really are asking about is guilt or innocence. Did so-and-so do right or did he/she do wrong?

The underlying question is -- what constitutes right and wrong, good and bad? The arguments and discussions which flow from this question usually center around two issues: what is the definition of good and evil, and who set down that definition.

3. THE OLDEST STANDARDS WERE RELIGIOUS IN ORIGIN AND ABSOLUTE

Mankind's basic moral code is religious in origin. God gave the Ten Commandments to Moses, who gave them to the Hebrew people, who spent thousands of years, elaborating and expanding them. Ten commandments became 613, and then the Mishna and the two Talmuds and the Mishnah Torah of Maimonides and the Shulchan Aruch of the 16th century, and numerous other codes and commentaries.

In all these cases, we are dealing with an absolute standard, set by religious authority, with all the weight of God and clergy behind it. There is no compromise - no excuse - no shading of meaning. Everyone knew clearly what was right or

wrong - what was sin - what was meant by God's reward and punishment.

4. JEWISH ETHICS ARE BASED ON TODAY

The command to refrain from harming one's fellow man, and to avoid doing evil to the weak is fundamental to Biblical ethics.

The general trend of Biblical ethics is found in Amos 5:15:

"Hate evil and love good

And establish justice in the gate"

and Micah 6:8:

"He has told you, O man, what is good,

And what the Lord requires of you:

Only to do justice

And to love goodness

And to walk modestly with you God."

The ethical demand is at the focus of the Hebrew Biblical religion. The Torah itself compliments the ethical aim of Judaism (Deut. 4:8): "What great nation has laws and rules as perfect as all this Teaching that I set before you this day?"

The Holiness Code (Lev. 17-26) is a prime example of the ethical demand.

An outline of the Holiness Code follows:

Lev. 17 - Laws of Sacrifice and Food

18 - Laws of Sex

19 - Life of Holiness

20 - Punishment of Sex Offenses

21-22 - Laws Concerning the Priests

23 - The Festival Calendar

24 - Oil, Bread and Blasphem

25 - Sabbatical year and Jubilee

26 - Blessings and Curses

The most important element in the Holiness Code is Chapter 19. This is one of the most magnificent moral documents in all human writing. Judaism speaks in the language of universal moral thunder. It is loud, clear, unequivocal.

AMERICAN JEWISH
ARCHIVES
LEVITICUS, CHAPTER 19

Verse

1. The Lord spoke to Moses, saying -
2. Speak to the whole Israelite community and say to them:
You shall be holy, for I, the Lord your God, am holy.
3. You shall each revere his mother and father, and
Keep my Sabbaths: I the Lord am your God.
4. Do not turn to idols or make molten gods for
yourselves: I the Lord am your God.
9. When you reap the harvest of your land, you shall not
reap all the way to the edges of your field, or gather
the gleanings of your harvest.
10. You shall not pick your vineyard bare, or gather
the fallen fruit of your vineyard; you shall leave
them for the poor and the stranger: I the Lord am your
God.
11. You shall not steal; you shall not deal
deceitfully or falsely with one another.

12. You shall not swear falsely by My name, profaning the name of your God: I am the Lord.
13. You shall not defraud your neighbor. You shall not commit robbery. The wages of a laborer shall not remain with you until morning.
14. You shall not insult the deaf, or place a stumbling block before the blind. You shall fear your God: I am the Lord.
15. You shall not render an unfair decision: do not favor the poor or show deference to the rich; judge your neighbor fairly.
16. Do not deal basely with your fellows. Do not profit by the blood of your neighbor. I am the Lord.
17. You shall not hate your kinsman in your heart. Reprove your neighbor, but incur no guilt because of him.
18. You shall not take vengeance or bear a grudge against your kinsfolk. Love your neighbor as yourself: I am the Lord.
32. You shall rise before the aged and show deference to the old; you shall fear your God: I am the Lord.
33. When a stranger resides with you in your land, you shall not wrong him.
34. The stranger who resides with you shall be to you as one of your citizens; you shall love him as yourself, for you were strangers in the land of Egypt: I am the Lord your God.

35. You shall not falsify measures of length, weight or capacity.
36. You shall have an honest balance (scale), honest weights, an honest ephah (two pecks), and an honest hin (gallon). I the Lord am your God who freed you from the land of Egypt.
37. You shall faithfully observe all My laws and all My rules: I am the Lord.

AMERICAN JEWISH ARCHIVES

According to Moritz Lazarus in his authoritative "Ethics of Judaism"

"Judaism says the moral law does not exist by virtue of a divine act or an authoritative fiat; it flows from the essence of God's being, from his absolute and infinite moral nature. The fundamental law 'you shall be holy' does not continue with 'for I so will it', nor with, 'for I so command it', but rather, 'You shall be holy, for I am holy' 'Because I am merciful, thou shalt be merciful; as I am gracious, thou shalt be gracious, etc.'"

In a word, the fundamental doctrine of Judaism reads: because the moral is divine, therefore you shall be moral, and because the divine is moral, you shall become like unto God...The ethical ideals are presented as attributes of God, and the ultimate purpose of human life is to copy God's image in this respect.

(Jer.9:22-23) says: "Let not the wise man glory in his wisdom, neither let the might man glory in his might, let not the rich man glory in his riches; but let him that glorieth glory in this, that he understandeth and knoweth me, that I am the Lord which exercise loving-kindness, judgment and righteousness in the earth." This then is the relation between divine law and human ethics: God is the law giver, but He did not promulgate the law as an arbitrary or despotic command. God is the creative force behind the moral order and moral purpose of the world. Moral law is based upon the idea of God's morality. Not God the master, but God the ideal of all morality is the fountainhead of man's moral doctrine.

5. GERMAN-JEWISH COMMUNITY CODE OF ETHICS - 19th CENTURY

(Promulgated in 1885 in Germany by the Israelite Union of Congregations, these principles had been discussed by a large assembly of scholars and laymen, had then been endorsed and adopted by about 350 Rabbis and teachers of religion of all shades of opinion and 270 Jewish jurists of Germany and Austria.)

1. Judaism teaches the unity of the human race. We all have one Father, one God has created us.

2. Judaism commands: "Love thy neighbor as thyself," and declares this command of all-embracing love to be the fundamental principle of the Jewish religion.

It therefore forbids every sort of animosity, envy, malevolence, or unkindness towards any one of whatsoever race,

nationality, or religion. it demands justice and righteousness, and forbids injustice, improbity, fraud, taking unfair advantage of the need, the heedlessness, and the inexperience of a fellow-man, as well as usury and the usurious employment of the powers of a fellow-man.

3. Judaism demands consideration for the life, health, powers, and possessions of one's neighbor.

It therefore forbids injuring a fellow-man by force, or cunning, or in any other iniquitous manner depriving him of his property, or leaving him helplessly exposed to unlawful attacks.

4. Judaism commands holding a fellow-man's honor as sacred as one's one.

It therefore forbids degrading him by evil reports, vexing him with ridicule, or mortifying him.

5. Judaism commands respect for the religious conviction of others.

It therefore forbids aspersion or disrespectful treatment of the religious customs and symbols of other religions.

6. Judaism commands the practice of charity towards all, clothing the naked, feeding the hungry, nursing the sick, comforting those that mourn.

It therefore forbids limiting our care to ourselves and our families, and withholding sympathy when our neighbors suffer.

7. Judaism commands respect for labor; each in his place shall take part, by means of physical or mental labor, in the

work of the community, and strive for the blessings of life by busy, creative activity.

It therefore demands the cultivation, development, and active employment of all our powers and capabilities.

On the other hand, it forbids inactive enjoyment of life and idleness confident of support by others.

8. Judaism commands absolute truthfulness; our yea shall be yea, our nay, nay.

It therefore forbids distortion of truth, deceit, hypocrisy, double dealing, and dissimulation.

9. Judaism commands walking humbly with God and in modesty among men.

It therefore forbids self-conceit, arrogance, pride, presumptuousness, boasting, and disparagement of the merits of others.

10. Judaism demands peaceableness, placability, mildness, benevolence. It therefore commands the return of good for evil, to suffer rather than inflict injury.

It therefore forbids taking revenge, nursing hatred, bearing a grudge, abandoning even an adversary in his helplessness.

11. Judaism commands chastity and sanctity of marriage.

It therefore forbids dissoluteness, license, and relaxation of family ties.

12. Judaism commands the conscientious observance of the laws of the state, respect for an obedience to the government.

It therefore forbids rebellion against governmental ordinances and evasion of the law.

13. Judaism commands the promotion of the welfare of one's fellow-men, the service of individuals and communities in accordance with one's ability.

It therefore forbids slothful indifference to the common weal and selfish exclusion from the societies instituted for charitable purposes and for the betterment of mankind.

14. Judaism commands that its adherents shall love the state, and willingly sacrifice property and life for its honor, welfare, and liberty.

15. Judaism commands sanctification of the name of God through acts, and it bids us exert ourselves to hasten the time in which men shall be united in the love of God and the love of one another.

An example of the manner in which the German Jewish community expressed its sense of moral behavior is the system of the two boxes.

For 150 years the Berlin community maintained a society for the aid of mourners. Its object was to furnish assistance to poor families exposed to want through the death of a member in view of the fact that religious law enjoins the cessation of work during the days of mourning.

Out of deference to the sensibilities of the recipients, the following arrangements were made: 2 locked boxes were sent to every house of mourning, rich and poor alike. Box #1 contained a

sum intended for the needy. It was accompanied by its key in a sealed envelope and by a letter requesting the recipient to open the box and empty it. In proportion to his need, he might retain the whole or part of its contents. If he required no assistance he was directed to put the whole sum into Box #2, adding his own contribution. Box #2 remained unopened for some time, during its passage from family to family, and ultimately returned to the society so that no one was aware of the identity of givers and takers. Charity was thus exercised with delicacy.

6. TODAY THERE ARE NO ABSOLUTES; EVERYTHING IS SUBJECTIVE AND RELATIVE

Today, there are no longer any absolutes. Everything is relative. Not that this is a late 20th century phenomenon. Even in the Bible we are told (Judges 17:6): "In those days there was no King in Israel and everyone did that which was pleasing in his (own) sight." Today it appears to be the rule. Parents don't impose standards on their children, because they don't believe in saying "yes, you may" or "no, you may not". Why do parents abscond? Too busy? Too tired? Perhaps because they don't believe in themselves as constituting the ultimate authority and are unable to rebut the child's cynical refusal to obey. Often the early teen age child will even rebel with the challenging query - "who are you to tell me what to do?"

Here we have come to the nub of the matter. Absolute standards have disappeared. So - if everything is relative - no one is in possession of authority. Adults do as they see fit -

and their children follow suit. Since religion has no place in the educational system, teachers are equally without authority. They are not even allowed to teach "values" because these seem to have religious roots. Hence education of children becomes "value free", and we have reached the height of absurdity.

There is no such thing as education without values. Is education a process of simply transmitting facts but no opinions? Can we possibly give children that sense of curiosity and wonder about the world, without opening them up to learning how to analyze, digest, dissect and ultimately decide? Education which does not teach how to make moral decisions in life could be conducted by a computer. Who needs a teacher, if that teacher is forbidden to speak up on the most precious matter of all - namely, shaping character in the direction of truth, decency, kindness and justice.

Society collapses when there are no rules which are more or less observed by everyone, or when violations go unpunished. A system of ethical behavior is indispensable for civilized living. If synagogue and home have failed or weakened, the only institution left is the school.

Will Durant, in his book "Pleasures of Philosophy", says, in chapter (20):

"We believe that our schools should assume responsibility for the formation of moral character, to balance the decay of other moral forces and institutions; and that no education should be thought complete which does not train the student to see the

social bearings and results of individual desire, and develop in him a disposition to limit his conduct within the good of the whole community."

A book entitled "Moral Education" , published by Harvard in 1970, contained 5 lectures on that subject. The lecturers agreed that the "old morality" based on religion, was no longer a strong force in America.

The "new morality" toward which one must strive is moral autonomy - the independent arriving at a conviction of one's own accountability toward one's fellow men and the acceptance of justice as the most proper atmosphere in which all individuals can flourish.

In that volume Lawrence Kohlberg offered his analysis, beginning with a quotation from Aristotle's "Ethics".

"Virtue is of two kinds, intellectual and moral. While intellectual virtue owes its birth and growth to teaching, moral virtue comes about as a result of habit. The moral virtues we get by first exercising them: we become just by doing just acts, temperate by doing temperate acts, brave by doing brave acts."

What are the virtues?

Honesty

Service

Self-control

Responsibility

Friendliness

Courage

Temperance

Liberality

Pride

Good temper

Truthfulness

Justice

Children should be exhorted to practice these virtues, should be told that happiness, fortune and good repute will follow in their wake; adults around them should be living examples of these virtues; and children should be given daily opportunity to practice them.

There was a symposium at Phillips Exeter Academy in 1981 on the subject of moral education in boarding schools. The founder of this academy, John Phillips, had said, two hundred years earlier:

"But above all, it is expected that the attentions of instructors to the minds and morals of the youth under their charge will exceed every other care; well considering that though goodness without knowledge is weak and feeble, yet knowledge without goodness is dangerous, and that both united form the noblest character; and lay the surest foundation of usefulness to mankind."

Kurt Waldheim says today - "Knowledge is not a crime. So what if I had knowledge of the execution of some partisans in

Yugoslavia. I myself did nothing - I am not guilty of atrocities."

Eli Wiesel, speaking at the Exeter conference, said, out of his own experience, "Knowledge without ethics is evil". Waldheim proves it.

In approaching moral education, there are two methods - didactic and contextual.

Didactic: courses, lectures, seminars, books, discussions - all intellectual. Will this affect conduct?

Contextual: attempting to find, in the life surrounding the students, the examples which will lead to moral conduct.

TheodoreSizer former Headmaster at Andover - believes in the contextual method. He argues:

"The most promising route for moral education is to test our own schools against the key principles of justice, charity and service.

Are they consistently fair?

Are they compassionate?

Do they provoke a selfless commitment to service?

Do we show respect to our students? Do we trust them with dignity?

Do we watch for hypocrisy in our conduct?

Hypocrisy is the adult trait held in most contempt by adolescents. Our schools cannot teach the values of justice and fairness if they harbor institutional injustice.

In a word, if we are interested in the moral education of our students, we must start with a searching look at the moral

order of our own schools, of our own adult community and values. If the context is right, if we intentionally and deliberately create just and compassionate schools, their products are more likely to be just and compassionate than through any other pedagogy we might employ. Such is the power of a boarding school.

The path to moral education starts with us, not the students. Let us begin at this conference by looking in the mirror. Good luck."

7. OUR PROGRAM AT THIS RETREAT IS CONTEXTUAL

We want to relate to what has happened in our past (Peli); what is happening in the present in business (Wexner); in the financial market (Peck); in our communities (Markowitz); in our Jewish school system (Woocher); in our dearly beloved Israel (Netanyahu).

And then we will look at what might be the models for our future - i.e. new ways of expressing ethical instincts - i.e. Project Hunger (Fein) or how to treat people in prisons (Lipsker).

8. PERORATION

Absolute standards are vastly preferable to relativism.

The absolute standards of the past based on religion are no longer universally applicable - many people do not believe in God, hence do not accept divine authority.

But modern man also knows that the moral anarchy which has evolved in this century is alarming and dangerous.

The answer is to seek a new absolutism which can be based on premises that have come to be increasingly acceptable, at least in the industrialized west, as a means of building a better world. Some major premises (by no means an exhaustive list) could be summarized as follows:

1. A democratic form of society is infinitely preferable to a dictatorial one of any sort.
2. Discrimination, whether racial, religious, gender or any other is completely undesirable.
3. Justice, equally and swiftly applied to every person, is indispensable.
4. Poverty, and its many concomitant evils, is totally unacceptable.
5. Health, education, and other useful social services are to be supplied to all.

Do not all these sound Biblical?

If these premises, and others in a similar vein, are accepted, then automatically we will have developed a new code of absolute standards, which will have the backing of a new human Revelation, one which modern man has come to establish through his own increasing sense of what civilization demands.

Man then becomes the new authority, establishes his own absolutes, which derive from as wide-spread and universal an accord as he can possibly achieve. Parents and teachers inculcate values, teach what is right and wrong, monitor their

own conduct so there is no conflict between their deeds and their words. Police and judges administer the punishments. Universities and corporations administer the rewards.

Perhaps a new ethical code could actually be written, entitled, "Duties which all men are obligated to perform - and Rights which all men are entitled to receive".

People like yourselves, synagogue and federation people, could be the first to set new standards. Don't cheat on your income tax. Accept material losses in your personal lives for the sake of making ethical gains. Act out your beliefs in social justice - there are plenty of street people, Jews and non-Jews, in every city in America so you should set up programs in your synagogue to feed the hungry and shelter the homeless, exactly as the prophets of old commanded you.

And while you turn the synagogue into a holy place, in the truest sense, make sure that it be cleansed of some of its unethical practices. Let it not be an instrument for giving false tax deductions for some of those lavish Bar Mitzvahs; and let it not sponsor gambling or selling cars for fund-raising; and let it not honor dishonest persons.

Ethics was chosen as the subject of this retreat, not to bemoan the present violation of standards, but to challenge you to do two things: to adopt these premises as the basis for your conduct in your personal and communal lives, thus providing the best possible moral education for your children; and secondly, to initiate the writing of a code based on the old God-given and new human-given absolutes, so that Judaism will give forth a new

burst of moral creativity in America, and from the particularity of our people and our tradition, there can spring forth another universality from which all mankind can benefit in the space age which lies ahead.

When man sets up his colonies on the Moon and Mars, perhaps he will return to a belief in God, and then the old Biblical absolutes will come back into force. But if God seems even further away, once we are in space, then Judaism will have fashioned a new ethic to serve the human race in the unimaginable explorations which lie ahead.

8. OUR PROGRAM AT THIS RETREAT IS CONTEXTUAL

MOMENT

June 22, 1988

Rabbi Herbert Friedman
Wexner Heritage Foundation
551 Madison Avenue
New York, NY 10022

Dear Rabbi Friedman:

Your review of The Shores of Refuge is excellent. My editors were very impressed with your ideas and your writing. I am sending you back a copy with our few edits for you to look over.

Our policy is to show authors what their piece will look like before it goes to print. If you have any changes you wish to make, or object to any changes we have made, please mark directly on this and either call me to discuss it or send it back to us by June 30. Otherwise, we will assume that you are satisfied.

I hope you approve of the bio I wrote for you at the end of the piece. I wasn't able to fit everything you have done in three lines, obviously, but make ammendments if you feel I have left out relevant information.

Please let me know if you are interested in writing any more book reviews for us, or if there is anything we can do for you.

Sincerely,



Laura Markowitz
Staff Editor

Encl.

May 20, 1988

Approximately
1350 words

"SHORES OF REFUGE"

A Hundred Years of Jewish Emigration

by Ronald Sanders

Book Review by

Herbert A. Friedman*

It was ironic that Alexander II, having freed 60 million Russian serfs in 1861, and even before that having abolished the cruel cantonist system of conscripting 12- year-old Jewish boys for 25-year terms of military service, should be assassinated by a bomb in March 1881 by revolutionaries seeking even more liberalization.

What followed was the reverse. Alexander III's closest advisors, Konstantin Pobedonostsev and Count Ignatiev, urged him to stamp out the revolutionary movement. This led to increased tension, and within a few weeks rioting broke out between reactionary pogromists and Jews in Yelizavetgrad, Kiev and Odessa, with the police and government essentially standing aside while murder and mayhem spread. In Russia, anti-semitism had a fierce "potency", supported by intellectuals, among them Dostoevsky.

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Presently, President of the Wexner Heritage Foundation.

The riots were severe; Jewish youth became radicalized, developing at the same time a nationalist sentiment; finally the dam broke with Alexander's proclamation in May 1881 calling for the emigration of 1/3 of the Jews, forcible conversion of another third, and death for the final third. That started the flood of emigration, primarily to the United States, but also to Palestine.

Ronald Sanders, author of "The High Walls of Jerusalem", "Lost Tribes and Promised Lands", "The Downtown Jews" and other works,, is a professional writer of great competence. He has produced a detailed story, carefully researched, fully annotated with relevant quotations from contemporary press reports of a century of immigration, 1881 to the present, which gives the reader a clear picture of the great migration of East European Jews to the United States in the first 50 years, as well as other smaller waves to and from other places in the second half of the century. The book was made possible through a grant to HIAS (Hebrew Immigrant Aid Society) from the Liskin Foundation. It is a compliment to both author and institution that the book has none of the taint of puffery which all too often accompanies a public-relations-inspired approach to an organization's achievements. HIAS, like the JDC and a few others, has always been low-profile, modest and seldom guilty of self-serving publicity. This book emphasizes the client-in-need, rather than the organization-in-search-of-credit.

Most American Jews today stem from Eastern European origins, and are curious, nay eager, to know about their roots. Third and fourth generation American-born children do not even know the names of the towns in which their grand-and great-grandparents were born, let alone many details of the culture, language and religion which nourished their sense of Jewish identity. This book will supply much of the human-interest elements of the flight to freedom and the first difficult years of adjustment.

I have found helpful, in teaching the history of United States Jewry, a mnemonic device, which relates Jewish population numbers to the key wars in American history, the dates of which everyone knows. By the Revolutionary War, there were approximately 3,000 Jews in the United States (the first, Sephardic wave); by the Civil War, 300,000 (the second German-Austrian wave); and by World War I, 3 million (the third, Russian-Polish wave). It is this last wave which is the subject of Sanders' volume.

The long thin line of flight started in 1881 from the town of Brody, just across the Russian border in Galicia. Thousands of immigrants gathered there. The Alliance Israelite Universelle (a French organization) opened an office there to offer help. It was directed by Charles Netter, the same man who, 10 years earlier, opened the first agricultural school at Mikveh Israel, outside of Jaffa, for a dozen young Sephardic students, one of whom was shot by a Beduin, thus becoming the first casualty in the Arab-Israeli "Hundred Years

War."

The line continued through Lemberg - Cracow - Breslau - Berlin to Hamburg; thence the move was by sea to Hull on the east coast of England, by train across to Liverpool, and by ship to America. The sea voyage was dreadful, with people vomiting all over each other in the impossibly crowded steerage, sanitary facilities almost non-existent, and food so rotten that when the sea-sickness subsided, they still could not eat.

American Jewish organizations began to form, corresponding with the European ones already started in France, Germany, Austria and England. Jacob Schiff was the financial and moral force behind much of the American work. During 1882, the first full year of the immigrant flood, 13,000 Jews entered the United States. To keep things in perspective, this group was but a small portion of the 800,000 refugees, who came from a dozen countries in Europe that year. Castle Garden, at the tip of Manhattan, in Battery Park was the point of disembarkation. As the volume increased, Ellis Island, a much larger installation, took over. By 1891, Jews were arriving at an annual rate of 100,000. In that year Baron de Hirsch in Paris had capitalized the Jewish Colonization Association (ICA) to take 25,000 to Argentina, and up to 3.5 million over the next 25 years, in order to relieve some of the pressure on the United States. But the Jews considered New York more attractive, for many reasons,

and while some thousands did go to South America, the majority preferred the north.

The Kishinev pogrom in 1903 galvanized an ever-greater flow. Bialik wrote a poem entitled "The City of Slaughter"; Tolstoy condemned the Russian government for not protecting the Jews; President Roosevelt intervened with the Czar; the Council of Jewish Women was organized that year to care for single females; the American Jewish Committee was founded 3 years later; and Galveston was opened as an alternate port in 1907. The all-time high for one year was 154,000 in 1906.

When war broke out in 1914, travel across the Atlantic became almost impossible, due to U-boats and the shortage of shipping for any purposes other than military. Thus immigrants from Russia moved eastward instead, and refugee communities developed in Harbin and Yokohama. There was great suffering during the war in the central European shtetlach, and even after the war ended, in 1919 there were major progroms in Berditchev, Zhitomir and elsewhere in the Ukraine. The exact death toll is unknown, but is estimated between 30-100,000. Sanders calls this period "the worst Holocaust the Jewish people had ever known".

After the war, the mood in the United States shifted, and restrictions began to appear in Congressional legislation, fomented by Attorney-General Palmer who considered immigrants from Russia a "Red Scare". A National Origins Quota Act was passed in 1924 which limited immigrants. There was no Jewish quota, as such, but the Polish quota was less than 6,000 per

year. In that year, the total number of Jews arriving in the United States from all countries of origin was only 10,000, and the period of mass immigration was clearly over.

The concluding portion of the book, about 200 pages, deals with the Nazi era, especially in relation to where and how Jews escaped to new lands; the bitter fight conducted by Breckenridge Long, Assistant Secretary of State, to keep Jews out of the United States; and the equally bitter effort of the British to reduce immigration into Palestine. At the moment of greatest Jewish need, from 1933 onwards, the two most influential and genuinely democratic countries in the world were blind to that need, and millions of Jews perished.

For some reason, the author felt compelled to write an AFTERWORD, in which he exonerated both Roosevelt and Churchill. First he quoted David Wyman's "The Abandonment of the Jews", which says: "Franklin Roosevelt's indifference to...the systematic annihilation of European Jewry emerges as the worst failure of his presidency"; and then rebutted it with this sentence: "such judgments may be too harsh...FDR was the least indifferent...of all the heads of government of his time." But the evidence Sanders offers to back up his statement is simply not persuasive to this reviewer. Regarding Churchill, Sanders says: "There is ample reason to believe that his sympathies with the Jewish plight were strong, but he was...less able to act directly upon them". Who cares for sympathies, when action was required, and not

forthcoming from either leader? I frankly do not understand the motive for this AFTERWORD.

The book, as a whole, is an excellent document for those who would understand the earthquakes which have shaken our era. Opening with the Russian migration which started the century, the book closes with the Russian immigration marking the end of the century. Looking at the century in this manner relieves some of the despair and horror which marked its middle, for migration always carries with it the message of a new beginning and a new life. There is something mysterious in the timing. Was history (or God) aware in 1881 that it would be necessary to have a strong powerful self-reliant Jewish community existing in America 75 or so years in the future, to be available to lend support to the newly-born Israel? It was almost as if the pieces on the chess board were being moved around to be in the right place at the right time. Thank God (or history) that they were. And thanks to Ronald Sanders for the long years of hard work which created this useful volume.

CONCLUDING SPEECH

SUMMER INSTITUTE, CAESAREA

July 15, 1988

by Rabbi Herbert A. Friedman

PROLOGUE

"And it came to pass after the Temple in Jerusalem was destroyed, and the mountain in the south was conquered, and Akiba was flayed in Caesarea, that the chosen of the Lord were scattered over the waters and the continents of the whole earth. And they lived among many peoples for many centuries, so that no man really knew what would be their fate. God was silent, and there was no prophet who heard His voice, so there was no message nor help. The people whom he had brought out millenia before, carefully celebrated the exodus from Egypt, but they were uncertain whether the Brit still existed.

Twenty centuries after the Temple burned, there were other fires on earth, strange fires such as those glowing in the belly of the idol Moloch who swallowed live babies; strange fires which turned into ash the millions trapped by the vile unspeakable evil which was not resisted until it was too late.

And after these fires died down and the winds blew away the ash, God was still silent, and His people were silent in their sorrow and shock for they could not understand why they were so punished.

Then suddenly there came a great thunder, louder than had ever been upon the earth since it was created, accompanied by a huge colossal cloud that seemed to climb to heaven itself, and staggering waves of shock which tore down buildings, and scalding rays and steam and stones and glass rained down upon the people who died in their multitudes, in their places. It seemed as though a mysterious curse was now unleashed upon mankind for the unspeakable crime against God's people.

Somehow that people summoned its will, breathed strength into its sinews, charged its heart with courage and gathered itself to its land, once again to renew the covenant with its Rock and destiny. The songbirds perched on the trees bearing fruit, as sturdy men and women repopulated the waste places, tended the flocks and planted the grain. The enemies came - as did drought and locusts and hot desert winds. But slowly year after year the land flourished and the people taught their children that even though God was still silent, nonetheless He seemed to be sending a message through the very land itself which nourished the people into renewed strength and sovereignty.

Thus endeth the tale of the wanderings in the Diaspora and the Holocaust and the atomic explosion and the Return, and thus begins the story of the new era, now centered for the first time in two foci -- the ancient land, holiest of all places, as well as the new utopia across the seas."

SUMMER INSTITUTE THEME

The Problematics of Nationhood - An Analysis of Some
Major Issues Challenging Israel's Development

WHAT DID WE DO?

1. STUDIED JOSHUA AND JERUSALEM; chased Saul and David.

This is to underline the basic position of the Bible as the bedrock of Jewish knowledge.

2. STUDIED SOME HEBREW

This, to underscore the importance of your learning it. Each person on his own initiative, or in groups, must continue until you master it.

3. STUDIED SOME TEXTS, RELATED TO ISSUES

This is to get you into that habit. Reread them; always use that system with any person who teaches you. Demand original sources.

4. MADE SOME TRIPS

A. WEST BANK

- a. Saw two towns in West Bank - Efrat and Ariel

B. ARAB TRIANGLE - two towns

- a. Is there discrimination? Should these citizens be treated better?
- b. Are they loyal to their citizenship, while sympathizing with their fellow Palestinians?

C. LAW SCHOOL

- a. To learn about the Constitution.

5. TALKED WITH SOME PEOPLE

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6. JUDEA AND SAMARIA

This, of course, is the major problem -and the most emotional, as well as complex. The Israelis must decide it in the upcoming 3 months. So must you. Let me try to put the problem into some sort of rubric, for the sake of helping to decide.

SHOULD WE AGREE TO A PALESTINIAN STATE OR NOT?

A. If not, the consequences are:

1. continuation of military occupation
2. continuation of intifada, possibly in escalated form
3. expansion of Jewish settlements, as funds are available
4. creeping annexation
5. maintenance of two sets of laws in territory, as Barak explained
6. expansion of Arab population
7. demography, democracy and Jewish character of Israel all will demand a decision, later if not sooner - because status quo cannot be permanent.

B. If yes, the consequences:

1. Israel must decide some policies (examples below), before going into negotiations:
 - a. Security matters
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 2. radar on high ground to detect infractions
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 - c. Rights for Jewish settlers who wish to remain
 - d. Sale of evacuated properties of those who wish to leave
2. Israel must decide:
 - a. with whom it will meet
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(e.g. Camp David was signed in U.S., with American president as witness and guarantor)

7. SPEAKING OUT

- A. Dissent is not disloyalty
- B. As for speaking out publicly, do not be afraid that you are weakening Israel, or revealing to a Congressman that there is a difference of opinion. He knows there is a split opinion, inside Israel, so it's quite logical there should be the same in the Diaspora.

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8. QUOTES

- A. George Shultz - "Too often people become convinced that only their dreams. or their causes, are legitimate, and they deny the rights of others." He said the Arab-Israeli conflict was a "competition between two national movements for sovereignty on one land"*, and he asserted that the conflict was "not a fault of one party or the other". Both sides must "lay aside prejudices, hatred and overblown dreams in favor of a negotiated settlement."
- B. OVADIA YOSEF, former Sephardic Chief Rabbi - speaking to the RCA (mostly graduates of YU) on "Territorial Concessions in the Light of Halacha" stated his belief that saving a life takes precedence over the commandment of settling the land of Israel. Just as one may call a doctor on Y.K. in order to save a life, so one may prevent the loss of life (through war or civil unrest) by giving up parts of Eretz Yisrael.

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- D. RABBI AHARON LICHTENSTEIN, Joseph Soloveitchik's son-in-law, said to a group of Oz Veshalom and Netivot Shalom, that in a negotiated settlement it was inevitable that Israel must give up territory.

So - with all this disagreement among religious and political authorities, I certainly can understand the dilemma and confusion of many of you.

Do not be discouraged. Keep searching, thinking, and coming to a conclusion. That much, at least, you must do. Weigh, balance - but then decide. No fence sitting. Decide, and then attempt to persuade others.

EPILOGUE

"And it came to pass that after 40 years of sovereignty in the beautiful land of milk and honey, the children of Israel rested from the wars, gathered in their multitudes and their tribes, and prayed for a new Moses to lead them toward the future which Isaiah had prophesied so many centuries earlier when he said that the lion would lie down with the lamb.

The angel of the Lord then spoke through the clouds of confusion which had darkened the minds of the chiefs and priests and judges. The angel spoke in a clear voice so that every man and woman and child could hear and understand, saying:

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Major Issues of this Generation

(no special order)

1. Assimilation
2. Inter-marriage
3. Jewish Education
4. Sacred Survival (strengthening Jewish life)
5. Religious Pluralism -- in Israel & U.S.
6. Israel-Diaspora Relations
7. Defending Israel Against Decline of Interest
8. Raising Money
9. Soviet Jewry
10. Care of Elderly
11. Family as Focus of Jewish Experience
12. Outreach/Inclusionary Base-broadening

Qualities of Leadership

DECISIVENESS

COURAGE

VISION

STAMINA

CHARISMA

AMBITION

INTELLIGENCE

PERSUASIVENESS

CREATIVITY

ARTICULATENESS

Methods of Leadership

STRATEGY

COLLABORATION

DELEGATION

PUBLIC RELATIONS

NEGOTIATION



"THE CROWN OF A GOOD NAME"

Sermon Given at Battell Memorial Chapel

by Rabbi Herbert A. Friedman

During 50th Class Reunion at Yale University

June 5, 1988

Dear friends, brothers and sisters in the membership of this blessed university:

At a memorial service such as this, we gather to pay those tributes to the dead which civilized conduct commands. And we do so with full and loving heart, allowing memory to play its calculus across time and space as we seek to recall the smiling face or robust body or clever mind of some dearly beloved friend now gone.

Yet the more important truth is that exactly at the moment when we dwell on thoughts of death, our stronger urge is to ponder the significance of life. Death will come - each of us knows this, even though the fact remains forever an abstraction and an unreality - but its mystery will never be revealed. Therefore it profits not to invest great time or energy seeking to unveil its essence. Rather does it make more sense, at the very instant when the angel's wings stir the air, to turn instead to the mystery of life and seek to pierce its inner meaning, to see what it is all about, to search its lines and shadows, to discover what is truly important about living. What are the values? What should be the goals? How can one find happiness?

Legendary King Solomon's answer to these riddles is recorded in the Book of Proverbs 3:13-18

"Happy is the man that findeth wisdom,
And the man that obtaineth understanding.

For the merchandise of it is better than the
merchandise of silver,

And the gain thereof than fine gold.

Wisdom is more precious than rubies;
And all the things thou canst desire are not to be
compared unto her.

Length of days is in her right hand
In her left hand are riches and honor.

Her ways are ways of pleasantness,
And all her paths are peace.

She is a tree of life to them that lay hold of her,
And happy is every one that holdeth her fast."

And so you have it, clear and simple: rubies are precious and gold is fine, but wisdom brings happiness and the fruit of understanding offers pleasantness and peace.

What is the sense of devoting one's life to acquisitions and possessions and fatter and fatter wallets and hedonism, when it is inevitable that the flame of appetite will gradually flicker out, so that there are no longer any desires to be satisfied, and suddenly all the possessions become an irritating clutter, revealing themselves as incapable of providing pleasure. Many very acquisitive people find, toward the end of their days, as much joy in divesting and simplifying their lives as they did in the beginning when they were acquiring.

No - Ecclesiastes (5:14) tells us the truth which his wisdom discovered:

"He must depart - just as he came.

As he came out of his mother's womb, so must he depart at last, naked as he came.

He can take nothing of his wealth to carry with him."

What is this wisdom, so highly touted, and yet so ill-defined? Science and technology is the main wisdom of this century. Do we mean that? I think not. Literature, belles lettres, and faith in the inevitability of human progress was the main wisdom of the previous century. Do we mean that? I think not.

Tolstoy said (in War and Peace): "The highest wisdom has but one science - the science of the whole - the science of explaining the whole creation and man's place in it."

That is the real secret to penetrate - how to orient oneself, set a compass, prepare a path, find one's place and live with a purpose which will illuminate the daily struggle and give it a glow so that one rises in the morning and thanks God for the gift of life because it is good and worthwhile. Any person who can awaken with a smile and a feeling of wanting to kiss the morning will have a peaceful heart all day long, no matter how tough or tense that day's struggle might be.

What really counts? Money is important - it is fuel - makes things happen, but it is transient. Wisdom is more important - it gives a sense of goal and place and balance. Also it lasts longer. But there is one other attribute, probably the most important, for it endures beyond the grave - and that is, a good name.

Ecclesiastes says: (7:1)

"A good name is better than precious oil

And the day of death than the day of one's birth"

Rabbi Levi explained that sentence in the Midrash to the Book of Exodus:

"This can be compared to two seagoing ships. One of them is leaving the harbor, and the other is entering the harbor. Everybody is celebrating the departing ship, but only a few are rejoicing at the ship that is arriving.

A wise man, seeing this, says: "One should have expected the opposite. People should not celebrate the

departing ship. Who knows what is still ahead of it, whether it will sail through calm or stormy seas, and what winds it will have to face? One should rather rejoice over the ship that is entering the harbor, because it has safely returned from its voyage."

So, now we are coming close to the truest essence of life, the reason for existence, the answer to those who cynically say nothing is important, or that life is simply a constant chaos with no meaning whatsoever, and we humans are simply drifting flakes in a cosmic snowstorm.

The effort it takes to earn a good name is the real meaning of life, and the reason for wanting a good name is because that is the only way to conquer death. A good name is one's immortality.

There is a tractate in the Talmud entitled in Hebrew Pirke Avot - "The Ethics of the Fathers". It contains the aphorisms of 60 Sages who lived between 300 BC and 200 AD. I will read it first in Hebrew, for that classical tongue was once common currency on this campus. The Baccalaureate sermons given during the first eleven years of President Ezra Stile's tenure were given in Hebrew, and all the students were expected to understand. Things are slightly different today.

ר' שמשון אמו: ולמה בגי'ם דם, בגר מאכה,
בגר בדי'ה, אבגר מבלג; אבגר ער טאב מל'ה ער עי'ה

Pirke Avot 4:13

Rabbi Simeon says:

"There are three crowns -

The crown of Torah

The crown of priesthood

The crown of sovereignty

But the crown of a good name transcends them all."

Torah represents learning; the priesthood represents service to God and man; and sovereignty represents power. A good name surpasses them all for it involves attaining the respect of society through good deeds and a right attitude. Nobility of soul and spirit matter more than any other attribute.

All of us have come to a time when we understand life's equation. Deep satisfaction comes from work and its accomplishments; family and its happiness; good health and its comforts so that our later years are not afflicted by pain or degrading disabilities. Hopefully most of us have achieved the first two and still enjoy the third. Lastly, perhaps most important, is the feeling that flows from having made the world a slightly better place than we found.

And so, having made some money, acquired some wisdom, and earned your good name, so that others will think of you at

some future memorial service such as this, there is one final thing to do.

Start to write a document which is called an ethical will. Leave something more to your children and grandchildren than your material assets. Leave your spiritual message to them. Force yourself to formulate, to craft, to find the words, to distill and synthesize everything you have learned through a long rich life. Your heirs will cherish this heritage more than anything else you give them, for in such a document you will be giving them yourself - your values, your sense of right and wrong, your dreams, your fondest memories.

There are other voices which will try to tell them different things. Lord Bertrand Russell will say to them: "Brief and powerless is man's life; on him and all his race the slow sure doom falls pitiless and dark." Let your ethical will refute his black cynicism. Let your bright and shining idealism prevail instead.

Give your successors the definitions of what an educated person should know, of how a civilized person should act, of what constitutes goodness and kindness. Give them a sense of purpose and maturity. Give them a vision for life - to sustain them on their path. Give them all the inspiration you can muster - for what every human being needs the most is something in which to believe, some rock, some ideal, some standard.

With reverence and respect for those no longer with us,
we turn our faces to the future generations and pledge to them
our earnest help as they seek to achieve their own ^{עצמאות} crown
Their own crown of a good name.

Amen.

