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Liberal Judaism in relation to the State of Israel, 1948-1949.

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LIBERAL JUDAISM AND ISRAEL

✓ Two questions present themselves, among others, as we study the possible implications of the establishment of the state of Israel. What effect will the establishment of the state of Israel have on the Jews throughout the world, and what will be the relationship on the Jewish communities throughout the world to the state of Israel?

✓ One important fact must be borne in mind. The majority of the Jewish people will live outside of Israel. The idea of the ultimate disappearance of the Diaspora may be theoretically held or even justified. It is not practically valid. Assuming that Israel will in the course of time come to contain three or four million Jews, the majority of the Jewish people will nevertheless still reside outside its borders.

✓ This was the case also during the Second Commonwealth, especially in the centuries immediately preceding the destruction in 70. It has been estimated that in the closing centuries of the Second Commonwealth about two and one-half million Jews lived in Palestine and about five and one-half million lived outside. There was a considerable dispersion of our people in the six centuries before the Common Era which extended from the borders of Persia in the East to Spain in the West, and from Ethiopia clear to the Black Sea.

Important centers of Jewish life existed, simultaneously, with the Jewish State, in Babylon, Egypt, Syria and Asia Minor, in the islands of the Mediterranean, in Greece and in Italy. It has been estimated that every tenth person living in the Roman Empire in the first century of the Common Era was a Jew, and every fifth person living in the Eastern Mediterranean world was a Jew. The great dispersion was not always the result of expulsions. It was not always involuntary. Jews emigrated from Palestine for reasons also of trade and commerce, of economic opportunities elsewhere, perhaps also because of crowded conditions in the homeland.

What was the relationship of the Jews who lived outside of Palestine to the Jewish State? They owed no political allegiance to the Jewish State, and the Jewish State exercised no political control over them. We have the testimony of the Jewish philosopher, Philo, who lived in Egypt in the first century, who writes:

No one country can contain the whole Jewish nation, by reason of its populousness; on which account they frequent all the most properous and fertile countries of Europe and Asia, whether islands or continents, looking indeed upon the holy city as their metropolis in which is erected the sacred temple of the most high God, but accounting those regions which have been occupied by their fathers and grandfathers and great grandfathers and still more remote ancestors, in which they have been born and brought up, as their country.

The country in which they lived was their country. The existence of a Jewish State did not diminish by an iota their loyalty to the countries in which they lived and in which they and their children were born. There was no dual allegiance. Dual allegiance was never a fact in Jewish experience. It is the frightened and the insecure Jew, the one who is generally unhappy about his Jewish lineage who tried to curry favor with the non-Jewish world on the basis of self-effacement and spreads the charge of dual allegiance against those fellow Jews who are not so frightened and servile.

✓ The Jews who lived outside of Palestine in those days nevertheless recognized Palestine as the non-political center of world Jewry, especially because it was the center of their religion. It was the Holy Land. In Jerusalem was the Temple dedicated to the God of Israel. They were mindful of the prophecy: "Out of Zion shall go forth the Law, and the word of the Lord from Jerusalem." Palestine was their ancestral home and the center of Jewish religious worship. They made frequent pilgrimages to Palestine. On the festivals of the pilgrimage, thousands of Jews from all parts of the world poured into Jerusalem.

It was a revered custom of Jews everywhere to contribute annually a half-shekel which at stated periods was collected and carried to Jerusalem as their voluntary contribution towards the maintenance of their central religious institutions. They helped the nation to defend itself when Rome attacked it, and they supported the rebellion of Bar Kochba against Rome in the second century when the Jews of Palestine attempted to regain their independence. They wanted the Jewish State to survive.

Even after the destruction of the Temple, they continued to recognize the authority of the religious and spiritual leaders of Palestine, of the Sanhedrin and of the great religious academies, and to send their self-imposed tax for the support of the office of the Nasi and of scholars. The Jewish communities in other parts of the world, which later on established their own academies and produced their own illustrious religious leaders, nevertheless accepted the superior authority of the religious leaders and centers in Palestine.

The authority of the patriarchate which existed to the fifth century and of the Palestinian academies and their prerogatives in such matters as the fixing of the calendar for world Jewry and the ordination of rabbis was, with but occasional exceptions, accepted by all. The Jews fully understood the importance of maintaining a center, a unifying and organizing center of Jewish life, especially after the destruction both of the State and the Temple. They felt the need of some visible authority to hold them together against the forces which threatened to disintegrate them. They knew themselves to be and they wished to remain one people, one historic community, united by common sympathies, inspired by common memories, sharing many likenesses, and cooperating with each other for common purposes and against common enemies.

Rome destroyed Carthage. It destroyed also the Carthaginian nation. Rome destroyed Judea. It could not destroy the Jewish nation. It only disrupted its political center and added to the dispersion of the people.

To sum up: there persisted throughout the centuries the liveliest interaction between Palestine and the Jews of the Diaspora which was a boon to both and which safeguarded the integrity of the people and the character of its faith. When the center in Palestine had become totally disrupted, and the Jews of the Diaspora were forced to turn to other centers for spiritual guidance - to Babylonia, Northern Africa, Spain and elsewhere - they nevertheless kept alive in their strong Messianic faith the hope of the return of the nation to Palestine and the restoration of its religious center there.

✓ If history is any guide, the Jews of today who will continue to live in other lands will, by and large, maintain the same attitude towards the State of Israel as their forefathers did. Theirs will be a most sympathetic relationship towards that land. They will materially help it to absorb as many Jews as will wish to go there or may have to go there. They will help to build up its cultural, scientific, and spiritual institutions, as well as its economic life so that it may become a land of which Jews everywhere can be proud. ~~For the eyes of the world will be on the land of Israel to see what Jews, as a people, can accomplish on their own.~~

✓ Israel will come to be again the non-political center of world Jewry. Pilgrims will go there as of old - and not merely the pious. There will be a free flow of manifold communications, of mutual stimulation, of give and take. Israel will again come to exercise a unifying and sustaining influence in Jewish life everywhere.

✓ We shall remain one people, one historic community, as of old. But the Jews of Israel will be Israeli citizens and the Jews of the United States will be citizens of the United States, and similarly with Jews in other lands.

✓ They will owe undivided allegiance to their respective countries and they will discharge loyally their full duties as citizens, as Jews have always done. But they will retain a special attachment to the land of Israel which will in no way interfere with their duties and obligations as citizens of their respective countries.

It was Voltaire who said that every cultured man should have two fatherlands - his own and France. In an even more profound sense, but equally non-political, it may be applied to the Jew and Israel. Israel will be the Sabbath in the life of our people when, according to a beautiful tradition, an additional soul is vouchsafed unto man.

If has been said
I have heard it stated that the establishment of the State of Israel ^{they} ~~will~~ hasten the assimilation of the Jews in other parts of the world. The establishment of the State, it is argued, will be seized upon by many Jews as an excuse to assimilate now that they can no longer be accused or need no longer to accuse themselves of cowardice

in running away from a homeless and persecuted people. Since the Jewish nation is now secure in Israel, they no longer need to remain Jews in the Diaspora. ~~Some fear~~ that this is likely to be the "new look" in assimilationist apologetics.

I choose to go back to history again to gain some insight into the probable reaction of our people. What was the status of the religious life of our people in the Diaspora in olden times, at the time when the Jewish State existed? The Jews who lived outside of Palestine were loyal to their faith and quite active religiously - not everywhere to the same degree nor equally among all sections of the population.

There were Jews in those days, too, who were religiously indifferent, who practiced a minimal Judaic ritual or none at all. There were also those who abandoned their faith altogether.

Wealth in the Alexandrian Jewish community, writes Professor Wolfson, was derived from the non-Jewish environment through contacts with heathens. Such contacts with heathens thus became financial assets, and financial assets naturally became marks of a delusive social distinction, and the delusion of social distinction, in turn, led to snobbishness, obsequiousness, self-effacement, aping, simulation, pretense, and ultimately to a begging for permission to join whatever one had to join in order to become a heathen. This, we imagine, was the progressive pilgrimage of certain Alexandrian Jews from a seat in the front row of the synagogue to a place at the tail end of the mystery processions of the heathen.

All this has a very contemporary ring. But these apostates and assimilationists were the exception. Overwhelmingly the Jews remained warmly loyal to the religious traditions of their people. Sometimes, and especially in the centuries following the Maccabean victory, they carried on a vigorous proselytizing activity to convert the heathen world to Judaism, and with considerable success. They were not always the anvil for other cultural influences. In matters of religion and ethics they were often the strong hammer.

There is abundant evidence in pagan writings and a considerable Jewish propaganda literature to testify to the zeal and effectiveness of the proselytizing efforts of the Jews. They were not aware of any irreconcilable conflict between their ethnic allegiance, their love and reverence for Palestine, their Pharisaic religious discipline and the universal, missionary aspirations of Judaism which they sought to realize. "Woe unto you, scribes and Pharisees," we read in the unfriendly source of Matthew, "ye scour land and sea to make one convert."

The intellectual development of the ancient world had far outdistanced its polytheism, mythology and idolatry. It was ripe for a new religion, and the Jews of the Diaspora, the covenanted people of a pure monotheistic faith and an exalted code of morality which had challenged and defied the polytheism and immorality of the heathen world for a thousand years, were eager to bring their faith to the Gentile world and to convert it to the Kingdom of God. This missionary activity reached large proportions, provoked strong opposition and, at times, violent persecution. But it testifies to the religious vitality of the Jewish communities outside of Palestine.

The degree of their vitality reflected their cultural environment. In the Hellenistic cultural complex they were less creative and less original than, say, in Babylonia. The Jews of Babylon produced the Babylonian Talmud and established great rabbinic academies such as Sura, Nehardia and Pumbeditha, just as centuries before they had created the synagogue. We find no corresponding achievements among the Jews in the Graeco-Roman world.

But the Jewish people amply demonstrated that they and their faith could survive almost everywhere in the Diaspora. They were undoubtedly strengthened by the influences which came to them from Palestine, but the greatest source of their strength was their own religion, the divine Torah which was the common possession of Jews the world over, and which was a Tree of Life to them, the precious and beloved institution of the synagogue, which was their spiritual home and which existed in every town and village, and all the dear traditions of a proud and spiritually contented people.

They wanted to remain Jews and to live the Jewish way of life. They were not unacquainted with periodic persecutions and virulent anti-Jewish propaganda. They were also subjected to the disruptive influences and blandishments of pagan society and attractive alien cultures and philosophies. They were not isolated or ghettotized. They could assimilate if they wished to, much easier than in our day, and the rewards were inviting.

But overwhelmingly they chose to remain Jews. Presumably many fell away. Many fell away throughout the centuries of our dispersion both in times of persecution and in times of freedom and enlightenment. But many more did not. Those who did not are responsible for our survival and those who do not make up the strength of the Jewish people today. Their kind will constitute the strength of the Jewish people tomorrow. The existence of a Jewish State can only add strength to their strength, and confidence and dignity to their lives. It cannot undermine their Jewish faith and allegiance.

Whenever I am confronted with the question: Will Judaism survive in the Diaspora? I am tempted to counter with another question: Will democracy survive? Who can say? When we believe in and defend democracy, it is not because we are sure that it will survive, but because it presently satisfies our deepest needs and, therefore, notwithstanding its patent shortcomings and the many serious setbacks which it has received and is receiving in many parts of the world, it still remains for us the desirable way of life. The American people has lived with it for 150 years and it is satisfied to carry on the same way into the indefinite and uncertain future.

It is so with Judaism. We believe in it and wish to transmit it not because we are sure that it will survive, but because it presently satisfies our deepest spiritual needs as it did those of our ancestors in the long past. We are satisfied to carry on the same way into an indefinite and uncertain future, despite apparent difficulties and evidences here and there of falling away and collapse. The quality of our devotion to Judaism today and the means which we will employ to strengthen it may make that future less indefinite and less uncertain.

✓ Judaism will survive and flourish in Israel. It will survive and flourish also in the Diaspora, if the faithful and devoted among us will nurture and replenish it. The time will soon come when we shall be free to divert our energies largely to our synagogues, our schools, and our academies, whereas for a very long time now our energies and resources have been dedicated largely to the compelling emergencies of life-saving and state building. We shall soon be able to put the emphasis in Jewish community life upon religion - if we wish it. We should most earnestly wish it if we desire to give significance, content and dignity to our own lives and the lives of our children.

The United States, with the largest Jewish population in the world, and one which is basically loyal and generously responsive to Jewish needs and aspirations, can become a great creative center of Jewish spiritual life. Can, I say, not will or must!



LIBERAL JUDAISM IN RELATION TO THE STATE OF ISRAEL

DR. ABBA HILLEL SILVER

The establishment of the State of Israel this year is bound to have an effect upon the future course of the Jewish people throughout the world, and upon Judaism resembling analogous events in the history of our people in the past. The destruction and the restoration of the state in the 6th century before the Common Era, and again, the destruction in the year 70 of the Common Era are milestones in Jewish history as well as turning points. They forced political, social, and spiritual adjustments on the people, and framed a new way of life for them. The re-establishment of the Jewish State this year is destined to become just such a milestone and turning point. The year 1948 will take its place among the three or four most important dates in Jewish history.

We are too close to the event to evaluate it properly, but we can begin to discern some of its vast implications.

The first is a psychological one. After 19 centuries the Jewish people has regained national status. It has rebuilt its national center in its ancestral home. The reconstruction of the State of Israel has received the sanction of the United Nations. Its government has been recognized by many countries including the two most powerful - the United States and the Soviet Union. While its exact boundaries are still under dispute, the fact of its independent and sovereign existence is generally acknowledged, and its own military prowess has fortified it. The third Commonwealth of the Jewish nation is thus an accomplished fact. The State of Israel exists.

As a result the concept of the Wandering Jew is bound eventually to disappear along with the term "galut" - exile. When people can of their own free will return to their ancestral home, they are not in exile. Only compulsory banishment spells exile. All nations send forth immigrants to all parts of the world. People are continually moving from one country to another, and change their citizenship, but they are not regarded as exiles. This fact alone - the end of national exile for the Jewish people, as such - is destined to affect favorably the psyche of the Jew throughout the world. It will endow the Jew, wherever he lives, with a self-respect and a sense of security, a normal tone, long wanting in Jewish experience. For the curse of Cain, the curse of being an outcast and a wanderer over the face of the earth, has been removed. Whatever the Jew is destined to create anywhere in art or in literature will, I believe, come to reflect ^a ~~this~~ new attitude of dignity and confidence. There will be much less of the strain and the tension in his creative work, less of the spirit of dejection or of rebellion. There will be less obsession with anti-Semitism and with apologetics. This is not to suggest that as a member of a minority group the Jew will no longer be subject to those discriminations which, to varying degrees, are visited upon most minority groups in most parts of the world. But in this regard he will share an identical but not a unique or aggravated lot. It was always the double liability of ^{his} ~~our~~ predicament - that of being a minority group everywhere and possessed of a national center nowhere, which doubly exacerbated his position in the world. He will fight for his full and equal rights everywhere, more confidently and more resolutely, enheartened by the fact of the new status and

dignity which have come to his people through the recreation of the State of Israel.

Another important consequence of the epochal event which has taken place so recently is the emergence of a major Jewish population center in the East and the re-grouping of the world Jewish population. It is quite possible that if the present rate of immigration continues, the Jewish population of Israel by 1960 will be 2,000,000 or more. It might substantiably increase in subsequent years. Three to four million is not an excessive figure. So that, outside of the United States and the Soviet Union, the population of Israel will be the largest Jewish population in the world. Thus, a great concentration of our people will again take place in the East, the cradle of our people and of our faith, and the East rather than the West will again become the decisive cultural milieu of the creative Jewish life of tomorrow. An interesting blending of the East and the West will ~~again~~ take place in that corner of the world which time and again has served both as an entrepot and crucible of cultures and religions. An imposing new synthesis might conceivably result when Jews ~~will~~ bring into that land which in the past was the natural home of seers, prophets and mystics the science, technology and the political and economic conceptions of the West. Jews will come to Israel from all parts of the world just as peoples have come to the United States from all parts of the world, and just as this country became a melting pot of peoples, so Israel is destined to become a melting pot of world Jewry. In a sense, it is that already. American life richly profited from the manifold gifts and talents which many peoples brought to it, so Israel is ^{likewise} destined to profit from the skills,

cultures, and enthusiasms which Jews the world over will bring to it. The dynamism, the amazing outpouring of creative energy which is already in evidence in Israel, will increase in the years to come. Life in Israel will be characterized, I believe, by that same energy, initiative, and ~~enterprise~~ ^{inventiveness} which have characterized American life. So that a very exciting and promising new chapter in Jewish history is beginning.

Two questions present themselves, among others, as we study the possible implications of what has taken place. What effect will the establishment of the State of Israel have on the Jews throughout the world, and what effect will it have on Judaism?

One important fact must be borne in mind. The majority of the Jewish people will live outside of Israel. The idea of the ultimate disappearance of the Diaspora may be theoretically held or even justified. It is not practically valid. Assuming that Israel will in the course of time come to contain three or four million Jews, the majority of the Jewish people will nevertheless still reside outside its borders. This was the case, also, during the Second Commonwealth, especially in the centuries immediately preceding the destruction in 70. It has been estimated that in the closing centuries of the Second Commonwealth about $2\frac{1}{2}$ million Jews lived in Palestine and about $5\frac{1}{2}$ million lived outside. There was a considerable dispersion of our people in the six centuries before the common era which extended from the borders of Persia in the East to Spain in the West, and from Ethiopia clear ~~up~~ to the Black Sea. Important centers of Jewish life existed, simultaneously, with the Jewish State, in Babylon, Egypt, Syria and Asia Minor, in

the ⁴islands of the Mediterranean, in Greece and in Italy. It has been estimated that every tenth person living in the Roman Empire in the first century of the common era was a Jew, and every fifth person living in the Eastern Mediterranean world was a Jew. The great dispersion was not always the result of expulsions. It was not always involuntary. Jews emigrated from Palestine for reasons also of trade and commerce, ~~because~~ of economic opportunities elsewhere, perhaps also because of crowded conditions in the homeland.

What was the relationship of the Jews who lived outside of Palestine to the Jewish State? They owed no political allegiance to the Jewish State, and the Jewish State exercised no political control over them. We have the testimony of the Jewish philosopher, Philo, who lived in Egypt in the first century, who writes:

"No one country can contain the whole Jewish nation, by reason of its populousness; on which account they frequent all the most prosperous and fertile countries of Europe and Asia, whether islands or continents, looking indeed upon the holy city as their metropolis in which is erected the sacred temple of the most high God, but accounting those regions which have been occupied by their fathers and grandfathers and great grandfathers and still more remote ancestors, in which they have been born and brought up, as their country."

The country in which they lived was their country. The existence of a Jewish State did not diminish by an iota their loyalty to the countries in which they lived and in which they and their children were born. Theirs was no dual allegiance. Dual allegiance was never a fact in Jewish experience. (It is the frightened and the

insecure Jew ^{the one} who is generally unhappy about his Jewish lineage ~~and~~ who tries to curry favor with the non-Jewish world on the basis of self-effacement ^{and spreads} ~~the~~ ~~charge~~ the charge of dual allegiance against those fellow-Jews who are not so frightened and servile.)

The Jews who lived outside of Palestine ^{in those days} nevertheless recognized Palestine as the non-political center of world Jewry, especially because it was the center of their religion. It was the Holy Land. In Jerusalem was the Temple dedicated to the God of Israel. They ~~saw~~ were mindful of the prophesy, "Out of Zion shall go forth the Law, and the word of the Lord from Jerusalem." Palestine was their ancestral home and the center of Jewish religious worship. They made frequent pilgrimages to Palestine. On the festivals of the pilgrimage, thousands of Jews from all parts of the world poured into Jerusalem. It was a revered custom of Jews everywhere to contribute annually a half-shekel which at stated periods was collected and carried to Jerusalem as their voluntary contribution ^{towards} ~~to~~ the maintenance of their central religious institutions. They helped the nation to defend itself when Rome attacked it, and they supported the rebellion of Bar Kochba against Rome in the second century when ^{the Jews of Palestine} ~~they~~ attempted to regain their independence. They wanted the Jewish State to survive. Even after the destruction of the Temple, they continued to recognize the authority of the religious and spiritual leaders of Palestine, of the Sanhedrin and of the great religious academies, and to send their self-imposed tax for the support of the office of the Nasi and of scholars. The Jewish communities in other parts of the world,

which later on established their own academies and produced their own illustrious religious leaders, nevertheless accepted the superior authority of the religious leaders and centers in Palestine. The authority of the patriarchate which existed to the 5th century and of the Palestinian academies and their prerogatives in such matters as the fixing of the calendar for world ^{Jewish} ~~Jewish~~ and the ordination of Rabbis was, with but occasional exceptions, accepted by all. The Jews fully understood the importance of maintaining a center, a unifying and organizing center of Jewish life, especially after the destruction both of the State and the Temple. They felt the need for some visible authority to hold them together against the forces which threatened to disintegrate them. They knew themselves to be and they wished to remain one people, one historic community, united by common sympathies, inspired by common memories, sharing many likenesses, and cooperating with each other for common purposes and against common enemies. Rome destroyed Carthage. It destroyed also the Carthaginian nation. Rome destroyed Judaea. It could not destroy the Jewish nation. It only disrupted its political center and added to the dispersion of the people.

To sum up: there persisted throughout the centuries the liveliest interaction between Palestine and the Jews of the Diaspora which was a boon to both and which safeguarded the integrity of the people and the character of its faith. When the center in Palestine had become totally disrupted, and the Jews of the Diaspora were forced to turn to other centers for spiritual guidance -- to Babylonia, Northern Africa, Spain and elsewhere -- they nevertheless kept alive in their strong Messianic faith the hope of the return

of the nation to Palestine and the restoration of its religious center there.

X If history is any guide, the Jews of today who will continue to live in other lands will, by and large, maintain the same attitude towards the State of Israel as their forefathers did. Theirs will be a most sympathetic relationship towards that land. They will materially help it to absorb as many Jews as will wish to go there or may have to go there. They will help to build up its cultural, scientific, and spiritual institutions, as well as its economic life so that it may become a land of which Jews everywhere can be proud. For the eyes of the world will be on the land of Israel to see what Jews, as a people, can accomplish on their own. Israel will come to be again the non-political center of world Jewry. Pilgrims will go there as of old - and not merely the pious. There will be a free flow of manifold communications, of mutual stimulation, of give and take. Israel will again come to exercise a unifying and sustaining influence in Jewish life everywhere. We shall remain ~~one people~~, one historic community, as of old. But the Jews of Israel will be Israeli citizens and the Jews of the United States will be citizens of the United States, and similarly with Jews in other lands. They will owe undivided allegiance to their respective countries and they will discharge loyally their full duties as citizens, as Jews have always done. But they will retain a special attachment to the land of Israel which will in no way interfere with their duties and obligations as citizens of their respective countries. It was Voltaire who said that every cultured man should have two fatherlands - his own and France. In an even

more profound sense, but equally non-political, it may be applied to the Jew and Israel. Israel will be the Sabbath of ~~his days~~ ^{in the life of our people} when, according to a beautiful tradition, an additional soul is vouchsafed unto man.

The more orthodox may seek to establish again a central religious authority in Israel as in the day ~~of~~ old, with the Chief Rabbinate of Israel at its head, in the same manner as the international Catholic community has its religious center in Rome. If such a center is ever re-established, it will, of course, have authority only over those who will voluntarily recognize its authority, either in Israel or outside. Israel will not be a theocratic state. But for all Jews - that is, for all those who wish to remain Jews - Israel will continue to be the land of treasured memories as well as of unfolding social and cultural realities which, if nobly conceived and achieved, will be eagerly welcomed as stimulating influences in their lives. (Is not this expressed in ^{the} ~~our~~ ancient prayer of our people: "O, cause Thou a new light to shine over Zion, and may we all be worthy to enjoy its light speedily.")

One of the welcome by-products of the establishment of the State of Israel will be the end of that long debate which has for generations now filled the household of Israel with clamor and confusion - the debate between Zionists and anti-Zionists. The long contention may now cease. The swords may be sheathed. The argument is over. Life has finally composed our quarrel. The State of Israel is here. The anti-Zionist, if he persists in his agitation, will no longer be fighting an idea or a movement, but an established state. He will be endangering the security of a legally

constituted state ^{which is} recognized by his own country. (His obsession with hyphenated loyalties is a confession of insecurity and if, publicly charged against fellow Jews, is a libel against loyal and patriotic citizens, ^{one which} ~~and~~ plays directly into the hands of anti-Semites to whom all Jews, including the super-patriots, are anathema.)

The right of Jews everywhere to have a share in the upbuilding of Palestine was clearly acknowledged in the Balfour Declaration and in the Palestine mandate and is implied in the recognition which the United Nations gave to the reconstitution of the Jewish State. No free and democratic state wishes to monopolize all the loyalties of its citizens.

(Liberal Judaism has slowly disentangled itself from the meshes of an anti-nationalist dogma in which it was caught in the early years of its development and which was never really an essential part of its teaching anymore than the materialist conception of history is an essential part of socialism though it looms large in its Marxian formulation. Both borrowed doctrines from the philosophic climate of their day, in the case of Reform Judaism, also from the political climate, and wedded them to their basic ideas.

Subsequent generations and new conceptions in philosophy and government have revealed their accidental connection. It became clear that Liberal Judaism has a mission to perform in Jewish religious life whether a Jewish State exists or not. Accordingly, some years before the establishment of the Jewish State and while the Zionist - anti-Zionist debate was still raging, the central bodies of American Reform Judaism declared that they discern no essential incompatibility between Reform Judaism and Zionism, no

reason why those of their members who give allegiance to Zionism should not have the right to regard themselves as fully within the spirit and purpose of Reform Judaism.

The great debate having been ended by a fiat of history, all erstwhile antagonists may now join in amity in the common and interfused task to make Israel secure, ^{To defend Jewish rights everywhere and to make} ~~and~~ Judaism strong and vital in the world.

What effect will the establishment of the State of Israel have on Judaism - on Liberal Judaism? I have heard voices prophesying doom. The establishment of the State ^{it is argued} will be seized upon by many Jews as an excuse to assimilate, now that they can no longer be accused or need ^{no longer} to accuse themselves of cowardice in running away from a homeless and persecuted people. Since the Jewish nation is now secure in Israel, they no longer need to remain Jews in the Diaspora. Some fear that this is likely to be the "new look" in assimilationist apologetics.

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Jewish environment through contacts with heathens. Such contacts with heathens thus became financial assets, and financial assets naturally became marks of a delusive social distinction, and the delusion of social distinction, in turn, led to snobbishness, obsequiousness, self-effacement, aping, simulation, pretense, and ultimately to a begging for permission to join whatever one had to join in order to become a heathen. This, we imagine, was the progressive pilgrimage of certain Alexandrian Jews from a seat in the front row of the synagogue to a place at the tail end of the mystery processions of the heathens."

All this has a very contemporary ring. But these apostates and assimilationists were the exception. Overwhelmingly the Jews remained warmly loyal to the religious traditions of their people. Sometimes, and especially in the centuries following the Maccabean victory, they carried on a vigorous proselytizing activity to convert the heathen world to Judaism, and with considerable success. They were not always the anvil for other cultural influences. In matters of religion and ethics they were often the strong hammer. There is abundant evidence in pagan writings and a considerable Jewish propaganda literature to testify to the zeal and effectiveness of their proselytizing efforts of the Jews. They were not aware of any irreconcilable conflict between their ethnic allegiance, their love and reverence for Palestine, their Pharisaic religious discipline and the universal, missionary aspirations of Judaism which they sought to realize. "Woe unto you, scribes and Pharisees," we read in the unfriendly source of Matthew, "ye scour land and sea to make one convert."

The intellectual development of the ancient world had far out-distanced its polytheism, mythology and idolatry. It was ripe for a new religion, and the Jews of the Diaspora, the covenanted people of a pure monotheistic faith and an exalted code of morality which had challenged and defied the polytheism and immorality of the heathen world for a thousand years, were eager to bring their faith to the Gentile world and to convert it to the Kingdom of God. This missionary activity reached large proportions and provoked strong opposition and, at times, violent persecution. But it testifies to the religious vitality of the Jewish communities outside of Palestine. The degree of their vitality reflected their cultural environment. In the Hellenistic cultural complex they were less creative and less original than, say, in Babylonia. The Jews of Babylon produced the Babylonian Talmud and established great Rabbinic academies such as Sura, Nehardiah and Pumbeditha, just as centuries before they had created the synagogue. We find no corresponding ~~cultural~~ achievements among the Jews in the Graeco-Roman world.

But the Jewish people amply demonstrated that they ^{and their faith} could survive ~~and could make their faith vital and challenging~~ ^{almost everywhere} in the Diaspora. They were undoubtedly strengthened by the influences which came to them from Palestine, but the greatest source of their strength was ^{their own} ~~our~~ religion, the divine Torah which was the common possession of Jews the world over, and which was a Tree of Life to them, the ~~precious and~~ beloved institution of the synagogue, which was their spiritual home and which existed in every town and village, and all the dear traditions of a proud and spiritually contented people. They wanted to remain Jews and to live the Jewish way of life. They were not unacquainted with periodic persecutions and

virulent anti-Jewish propaganda. They were also subjected to the disruptive influences and blandishments of pagan society and attractive alien cultures and philosophies. They were not isolated or ghetto^tized. They could assimilate if they wished to, much easier than in our day, and the rewards were inviting.

But overwhelmingly they ~~xxxx~~ chose to remain Jews. Presumably many fell away. Many fell away throughout the centuries of our dispersion both in times of persecution and in times of freedom and enlightenment. But many more did not. Those who did who do not not are responsible for our survival and those ~~who~~ make up the strength of the Jewish people today. Their kind will constitute the strength of the Jewish people tomorrow. The existence of a Jewish State can only add strength to their strength, and confidence and dignity to their lives. It cannot conceivably undermine their Jewish faith and allegiance.

Whenever I am confronted with the question: Will Judaism survive in the Diaspora? I am tempted to counter with another question: Will democracy survive? Who can say? When we believe in and defend democracy it is not because we are sure that it will survive, but because it presently satisfies our deepest needs and, therefore, notwithstanding its ^a ~~p~~otent shortcomings and the many serious set-backs which it has and is receiving in many parts of the world, it still remains for us the desirable way of life. The American people has lived with it for 150 years and it is satisfied to carry on the sam way into the indefinite and uncertain future.

It is so with Judaism. We believe in it and wish to transmit it not because we are sure that it will survive, but be-

cause it presently satisfies our deepest spiritual needs as it did those of our ancestors in the long past. We are satisfied to carry on the same way into an indefinite and uncertain future, despite apparent difficulties and evidences here and there of falling away and collapse. The quality of our devotion to Judaism today and the means which we will employ to strengthen it may make that future less indefinite and less uncertain.

There will be need for a vital Liberal Judaism within the State of Israel itself. One should bear in mind that most of the great prophets of Israel preached religion - God and the law of God - in Palestine and to the Jews of Palestine at a time when they were not lacking a land, a language, and a government of their own. Clearly these by themselves were not enough. In the days of the Macabees a violent religious reformation had to be launched in Palestine to save the Jews of Palestine from the corruptive spiritual influences of a brilliant but decadent pseudo-Hellenic culture to which they had succumbed. At the time of the first restoration in the 6th century, it was fully grasped by the great rebuilders of the state that political and physical restoration was not enough. Nehemiah, therefore, set himself the task of rebuilding the state physically. Ezra set himself the task of rebuilding the faith of Israel. All the prophets of the restoration linked up the national regeneration of the people with moral and spiritual regeneration, and with the regeneration of the whole of mankind. At the beginning of the second restoration Theodore Herzl declared that "a return to Judaism must precede a return to the Jewish land". Three months before he died he wrote: "In Zionism, as I understand it, there is

not only the striving for a legally secured soil for our poor people; there is the striving for moral and spiritual perfection."

The Jews of Israel will require religion just as the Jews outside of Israel. The youth in Israel, which at the moment finds spiritual discipline and challenge in the struggle to build the new state and defend it, will, after this period has passed, be in need of a sustaining spiritual morale which can only come from religion. Liberal Judaism, in an Israeli not a Germanic setting, will, I believe, appeal to them. Palestine Jewry generally is seeking new forms for its religious life. I believe that it is ripe for a great new spiritual movement which will be native to the soil, responsive to the demands of modern life, One which will lay emphasis not so much upon ritual and tradition as upon the prophetic, social and spiritual ideals of Judaism.

I am inclined to believe that even orthodox Judaism in Israel will undergo a considerable change. Jewish religious law in its creative periods was always evolutionary. The law was always adapted to the needs of the times through a carefully elaborated system of interpretation which preserved the spirit of the law while the law itself was adjusted to new circumstances and times. The destruction of the state, to quote Chief Rabbi Herzog, "checked the process of natural growth and development inherent in Israel's legal system". In a nascent Jewish state Jewish religious law will again have the opportunity to develop organically.

Judaism will survive and flourish in Israel. It will survive and flourish also in the Diaspora, if the faithful and devoted among us will nurture and replenish it. The time will soon

come when we shall be free to divert our energies largely to our synagogues, our schools, and our academies, whereas for a very long time now our energies and resources have been dedicated largely to the compelling emergencies of life-saving and state-building. We shall soon be able to put the emphasis in Jewish community life upon religion - if we wish it. We should most earnestly wish it if we desire to give significance, content and dignity to our own lives and the lives of our children. The United States with the largest Jewish population in the world, and one which is basically loyal and generously responsive to Jewish needs and aspirations, can become a great creative center of Jewish spiritual life. Can, I say, not will, or must! We are constrained to acknowledge that the *these wafers, the* melba toast type of Jewish education which our children receive in our Sunday schools is not the kind of *one which* spiritual and cultural diet which can nourish and sustain a vigorous Jewish life, and *does not* promise well for the future.

Some ten years ago I had occasion to write:

To the thoughtful Jews it is becoming increasingly clear that there are not substitutes in Jewish life for religion. Neither philanthropy nor culture nor nationalism is adequate for the stress and challenge of our lives. All these interests can and must find their rightful place within the general pattern of Judaism. But the pattern must be Judaism, the Judaism of the Torah, the synagogue and the prayer book; the Judaism of the priest, the prophet, the saint, the mystic and the rabbi; the Judaism which speaks of God, and the worship of God, and the commandments of God and the quest of God.

There have been many false prophets of "ersatz" Judaism in our midst who have frequently misled our people. There were professional

social workers, for example, who announced that a full complement of scientifically administered hospitals and orphanages and other social agencies was a sufficient "vade mecum" for the Jewish people, and that the synagogue and religious schools were quite unnecessary. At best, they were to be tolerated only as a concession to those who still take such things seriously, and in order not to create unpleasant friction in the community. ~~Such social workers had many ready adherents among our would-be assimilated and rich Jews.~~

There ~~were~~ certain educators who resented the intrusion of religion in their ultra-scientific curricula. Judaism, they said, was not a religion, but a way of life - that is to say, their way of life which, of course, was non-religious or anti-religious. Jewish education should, according to them, not be religious at all, only nationalistic and linguistic. At best, the religious note might be smuggled in, but only as a concession to old-timers and cranks who do not know any better.

There were those Jewish spokesmen who offered Jewish nationalism as a substitute for Judaism, forgetting that nationalism as such, unredeemed by a moral vision and responsibility, has sadly fragmented our world, provincialized its peoples and is driving nations madly from one disaster to another; forgetting, further, that there is a widely felt and widely answered need for religion and religious institutions even among peoples whose national life is already fully established, who are in their own lands, and who are possessed by a rich national culture. The upbuilding of a Jewish national home in Palestine is one great, urgent and historically inescapable task of Jewry. The upbuilding of Jewish religious life in America and elsewhere throughout the world, inclusive of Palestine, is another. One

is no substitute for the other. One is not opposed to the other.

Whether Jews ^{will} live as citizens of Israel or as citizens ^{on other lands} of the United States, they ^{should not evade the} ~~have the~~ great mandate of their prophetic religion and their history which is to serve God and man, ~~and~~ to strive for the establishment of His Kingdom, and by the practice and the propaganda of ^{their} ~~this~~ faith, to be a light unto the nations. The mission ideal which Liberal Judaism has stressed is historically valid. It is of the very warp and woof of prophetic Judaism. It is valid today. It is the burden of our destiny. God has permitted us to renew our days as of old. Let us, in gratitude, renew our faith as of old.



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LIBERAL JUDAISM AND ISRAEL

By Dr. Abba Hillel Silver
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The establishment of the State of Israel is bound to have an effect upon the future course of the Jewish people throughout the world, and upon Judaism resembling analogous events in the history of our people in the past.

The destruction and the restoration of the state in the sixth century before the Common Era, and again the destruction in the year 70 of the Common Era are milestones in Jewish history as well as turning points. They forced political, social, and spiritual adjustments on the people, and framed a new way of life for them. The re-establishment of the Jewish State is destined to become just such a milestone and turning point.

The year 1948 will take its place among the three or four most important dates in Jewish history. We are too close to the event to evaluate it properly, but we can begin to discern some of its vast implications.

The first is a psychological one. After nineteen centuries the Jewish people has regained national status. It has rebuilt its national center in its ancestral home. The reconstruction of the State of Israel has received the sanction of the United Nations. Its government has been recognized by many countries including the two most powerful - the United States and the Soviet Union. While its exact boundaries are still under dispute, the fact of its independent and sovereign existence is generally acknowledged, and its own military prowess has fortified it. The Third Commonwealth of the Jewish nation is thus an accomplished fact. The State of Israel exists.

Jews No Longer In Exile

As a result, the concept of the Wandering Jew is bound eventually to disappear along with the term galut - exile. When people can of their own free will return to their ancestral home, they are not in exile. Only compulsory banishment spells exile. All nations send forth immigrants to all parts of the world. People are continually moving from one country to another, and change their citizenship, but they are not regarded as exiles.

This fact alone - the end of national exile for the Jewish people, as such - is destined to affect favorably the psyche of the Jew throughout the world. It will endow the Jew, wherever he lives, with a self-respect and a sense of security, a normal tone long wanting in Jewish experience. For the curse of Cain, the curse of being an outcast and a wanderer over the face of the earth, has been removed. Whatever the Jew is destined to create anywhere in art or in literature will, I believe, come to reflect this new attitude of dignity and confidence.

There will be much less of the strain and the tension in his creative work, less of the spirit of dejection or of rebellion. There will be less obsession with anti-Semitism and with apologetics. This is not to suggest that, as a member of a minority group, the Jew will no longer be subject to those discriminations which, to varying degrees, are visited upon most minority groups in most parts of the world. But in this regard he will share an identical but not a unique or aggravated lot. It was always the double liability of his predicament - that of being a minority group everywhere and possessed of a national center nowhere, which doubly exacerbated his position.

He will fight for his full and equal rights everywhere, more confidently and more resolutely, enheartened by the fact of the new status and dignity which have come to his people through the re-creation of the State of Israel.

Foresees Millions in Israel

Another important consequence of the epochal event which has taken place so recently is the emergence of a major Jewish population center in the East and the regrouping of the world Jewish population. It is quite possible that if the present rate of immigration continues, the Jewish population of Israel by 1960 will be 2,000,000 or more. It might substantially increase in subsequent years. Three to four million is not an excessive figure. So that, outside of the United States and the Soviet Union, the population of Israel will be the largest Jewish population in the world.

Thus, a great concentration of our people will again take place in the East, the cradle of our people and of our faith, and the East rather than the West will again become the decisive cultural milieu of the creative Jewish life of tomorrow. An interesting blending of the East and the West will take place in that corner of the world which time and again has served both as an entrepot and crucible of cultures and religions. An imposing new synthesis might conceivably result when Jews bring into that land which in the past was the natural home of seers, prophets and mystics the science, technology and the political and economic conceptions of the West.

Jews will come to Israel from all parts of the world just as peoples have come to the United States from all parts of the world, and just as this country became a melting-pot of peoples, so Israel is destined to become a melting-pot of world Jewry. In a sense, it is that already. American life richly profited from the manifold gifts and talents which many peoples brought to it, so Israel is likewise destined to profit from the skills, cultures, and enthusiasms which Jews the world over will bring to it.

The dynamism, the amazing outpouring of creative energy which is already in evidence in Israel, will increase in the years to come. Life in Israel will be characterized, I believe, by that same energy, initiative, and inventiveness which have characterized American life. So that a very exciting and promising new chapter in Jewish history is beginning.

No Dual Allegiance

Two questions present themselves, among others, as we study the possible implications of what has taken place. What effect will the establishment of the State of Israel have on the Jews throughout the world, and what effect will it have on Judaism.

One important fact must be borne in mind. The majority of the Jewish people will live outside of Israel. The idea of the ultimate disappearance of the Diaspora may be theoretically held or even justified. It is not practically valid. Assuming that Israel will in the course of time come to contain three or four million Jews, the majority of the Jewish people will nevertheless still reside outside its borders.

This was the case also during the Second Commonwealth, especially in the centuries immediately preceding the destruction in 70. It has been estimated that in the closing centuries of the Second Commonwealth about two and one-half million Jews lived in Palestine and about five and one-half million lived outside. There was a considerable dispersion of our people in the six centuries before the Common Era which extended from the borders of Persia in the East to Spain in the West, and from Ethiopia clear to the Black Sea.

Important centers of Jewish life existed, simultaneously, with the Jewish State, in Babylon, Egypt, Syria and Asia Minor, in the islands of the Mediterranean, in Greece and in Italy. It has been estimated that every tenth person living in the Roman Empire in the first century of the Common Era was a Jew, and every fifth person living in the Eastern Mediterranean world was a Jew. The great dispersion was not always the result of expulsions. It was not always involuntary. Jews emigrated from Palestine for reasons also of trade and commerce, of economic opportunities elsewhere, perhaps also because of crowded conditions in the homeland.

What was the relationship of the Jews who lived outside of Palestine to the Jewish State? They owed no political allegiance to the Jewish State, and the Jewish State exercised no political control over them. We have the testimony of the Jewish philosopher, Philo, who lived in Egypt in the first century, who writes:

No one country can contain the whole Jewish nation, by reason of its populousness; on which account they frequent all the most prosperous and fertile countries of Europe and Asia, whether islands or continents, looking indeed upon the holy city as their metropolis in which is erected the sacred temple of the most high God, but accounting those regions which have been occupied by their fathers and grandfathers and great grandfathers and still more remote ancestors, in which they have been born and brought up, as their country.

The country in which they lived was their country. The existence of a Jewish State did not diminish by an iota their loyalty to the countries in which they lived and in which they and their children

were born. Theirs was no dual allegiance. Dual allegiance was never a fact in Jewish experience. It is the frightened and the insecure Jew, the one who is generally unhappy about his Jewish lineage who tries to curry favor with the non-Jewish world on the basis of self-effacement and spreads the charge of dual allegiance against those fellow Jews who are not so frightened and servile.

Palestine Was Unifying Center

The Jews who lived outside of Palestine in those days nevertheless recognized Palestine as the non-political center of world Jewry, especially because it was the center of their religion. It was the Holy Land. In Jerusalem was the Temple dedicated to the God of Israel. They were mindful of the prophecy: "Out of Zion shall go forth the Law, and the word of the Lord from Jerusalem." Palestine was their ancestral home and the center of Jewish religious worship. They made frequent pilgrimages to Palestine. On the festivals of the pilgrimage, thousands of Jews from all parts of the world poured into Jerusalem.

It was a revered custom of Jews everywhere to contribute annually a half-shekel which at stated periods was collected and carried to Jerusalem as their voluntary contribution towards the maintenance of their central religious institutions. They helped the nation to defend itself when Rome attacked it, and they supported the rebellion of Bar Kochba against Rome in the second century when the Jews of Palestine attempted to regain their independence. They wanted the Jewish State to survive.

Even after the destruction of the Temple, they continued to recognize the authority of the religious and spiritual leaders of Palestine, of the Sanhedrin and of the great religious academies, and to send their self-imposed tax for the support of the office of the Nasi and of scholars. The Jewish communities in other parts of the world, which later on established their own academies and produced their own illustrious religious leaders, nevertheless accepted the superior authority of the religious leaders and centers in Palestine.

The authority of the patriarchate which existed in the fifth century and of the Palestinian academies and their prerogatives in such matters as the fixing of the calendar for world Jewry and the ordination of rabbis was, with but occasional exceptions, accepted by all. The Jews fully understood the importance of maintaining a center, a unifying and organizing center of Jewish life, especially after the destruction both of the State and the Temple. They felt the need of some visible authority to hold them together against the forces which threatened to disintegrate them. They knew themselves to be and they wished to remain one people, one historic community, united by common sympathies, inspired by common memories, sharing many likenesses, and cooperating with each other for common purposes and against common enemies.

Rome destroyed Carthage. It destroyed also the Carthaginian nation. Rome destroyed Judea. It could not destroy the Jewish na-

tion. It only disrupted its political center and added to the dispersion of the people.

To sum up: there persisted throughout the centuries the liveliest interaction between Palestine and the Jews of the Diaspora which was a boon to both and which safeguarded the integrity of the people and the character of its faith. When the center in Palestine had become totally disrupted, and the Jews of the Diaspora were forced to turn to other centers for spiritual guidance - to Babylonia, Northern Africa, Spain and elsewhere - they nevertheless kept alive in their strong Messianic faith the hope of the return of the nation to Palestine and the restoration of its religious center there.

American Jews Remain Citizens of the United States

If history is any guide, the Jews of today who will continue to live in other lands will, by and large, maintain the same attitude towards the State of Israel as their forefathers did. Theirs will be a most sympathetic relationship towards that land. They will materially help it to absorb as many Jews as will wish to go there or may have to go there. They will help to build up its cultural, scientific, and spiritual institutions, as well as its economic life so that it may become a land of which Jews everywhere can be proud. For the eyes of the world will be on the land of Israel to see what Jews, as a people, can accomplish on their own.

Israel will come to be again the non-political center of world Jewry. Pilgrims will go there as of old - and not merely the pious. There will be a free flow of manifold communications, of mutual stimulation, of give and take. Israel will again come to exercise a unifying and sustaining influence in Jewish life everywhere.

We shall remain one people, one historic community, as of old. But the Jews of Israel will be Israeli citizens and the Jews of the United States will be citizens of the United States, and similarly with Jews in other lands.

They will owe undivided allegiance to their respective countries and they will discharge loyally their full duties as citizens, as Jews have always done. But they will retain a special attachment to the land of Israel which will in no way interfere with their duties and obligations as citizens of their respective countries.

It was Voltaire who said that every cultured man should have two fatherlands - his own and France. In an even more profound sense, but equally non-political, it may be applied to the Jew and Israel. Israel will be the Sabbath in the life of our people when, according to a beautiful tradition, an additional soul is vouchsafed unto man.

The more Orthodox may seek to establish again a central religious authority in Israel as in the days of old, with the Chief Rabbinate of Israel at its head, in the same manner as the international Catholic community has its religious center in Rome. If such a

center is ever reestablished, it will, of course, have authority only over those who will voluntarily recognize its authority, either in Israel or outside.

Israel will not be a theocratic state, but for all Jews - that is, for all those who wish to remain Jews - Israel will continue to be the land of treasured memories as well as of unfolding social and cultural realities which, if nobly conceived and achieved, will be eagerly welcomed as stimulating influences in their lives. Is not this expressed in the ancient prayer of our people: "Oh, cause Thou a new light to shine over Zion, and may we all be worthy to enjoy its light speedily."

For Sheathing of Swords

One of the welcome by-products of the establishment of the State of Israel will be the end of that long debate which has for generations now filled the household of Israel with clamor and confusion - the debate between Zionists and anti-Zionists. The long contention may now cease. The swords may be sheathed. The argument is over. Life has finally composed our quarrel. The State of Israel is here.

The anti-Zionist, if he persists in his agitation, will no longer be fighting an idea or a movement, but an established state. He will be endangering the security of a legally constituted state which is recognized by his own country. His obsession with hyphenated loyalties is a confession of insecurity and, if publicly charged against fellow Jews, is a libel against loyal and patriotic citizens, one which plays directly into the hands of anti-Semites to whom all Jews, including the super-patriots, are anathema.

The right of Jews everywhere to have a share in the upbuilding of Palestine was clearly acknowledged in the Balfour Declaration and in the Palestine mandate and is implied in the recognition which the United Nations gave to the reconstitution of the Jewish State. No free and democratic state wishes to monopolize all the loyalties of its citizens.

Liberal Judaism has slowly disentangled itself from the meshes of an anti-nationalist dogma in which it was caught in the early years of its development and which was never really an essential part of its teaching any more than the materialist conception of history is an essential part of socialism, though it looms large in its Marxian formulation. Both borrowed doctrines from the philosophic climate of their day, in the case of Reform Judaism also from the political climate, and wedded them to their basic ideas. Subsequent generations and new conceptions in philosophy and government have revealed their accidental connection.

It became clear that Liberal Judaism has a mission to perform in Jewish religious life whether a Jewish State exists or not. Accordingly, some years before the establishment of the Jewish State and while the Zionist-anti-Zionist debate was still raging, the central bodies of American Reform Judaism declared that they discern no

essential incompatibility between Reform Judaism and Zionism, no reason why those of their members who give allegiance to Zionism should not have the right to regard themselves as fully within the spirit and purpose of Reform Judaism.

The great debate having been ended by a fiat of history, all erstwhile antagonists may now join in amity in the common and inter-fused task to make Israel secure to defend Jewish rights everywhere and to make Judaism strong and vital in the world.

Fear of "New Look"

What effect will the establishment of the State of Israel have on Judaism - on Liberal Judaism? I have heard voices prophesying doom. The establishment of the State, it is argued, will be seized upon by many Jews as an excuse to assimilate now that they can no longer be accused or need no longer to accuse themselves of cowardice in running away from a homeless and persecuted people. Since the Jewish nation is now secure in Israel, they no longer need to remain Jews in the Diaspora. Some fear that this is likely to be the "new look" in assimilationist apologetics.

I choose to go back to history again to gain some insight into the probable reaction of our people. What was the status of the religious life of our people in the Diaspora in olden times, at the time when the Jewish State existed? The Jews who lived outside of Palestine were loyal to their faith and quite active religiously - not everywhere to the same degree nor equally among all sections of the population.

There were Jews in those days, too, who were religiously indifferent, who practiced a minimal Judaic ritual or none at all. There were also those who abandoned their faith altogether.

Wealth in the Alexandrian Jewish community (writes Professor Wolfson) was derived from the non-Jewish environment through contacts with heathens. Such contacts with heathens thus became financial assets, and financial assets naturally became marks of a delusive social distinction, and the delusion of social distinction, in turn, led to snobbishness, obsequiousness, self-effacement, aping, simulation, pretense, and ultimately to a begging for permission to join whatever one had to join in order to become a heathen. This, we imagine, was the progressive pilgrimage of certain Alexandrian Jews from a seat in the front row of the synagogue to a place at the tail end of the mystery processions of the heathen.

Proselytizing of Yore

All this has a very contemporary ring. But these apostates and assimilationists were the exception. Overwhelmingly the Jews remained warmly loyal to the religious traditions of their people. Sometimes, and especially in the centuries following the Maccabean victory, they carried on a vigorous proselytizing activity to convert

the heathen world to Judaism, and with considerable success. They were not always the anvil for other cultural influences. In matters of religion and ethics they were often the strong hammer.

There is abundant evidence in pagan writings and a considerable Jewish propaganda literature to testify to the zeal and effectiveness of the proselytizing efforts of the Jews. They were not aware of any irreconcilable conflict between their ethnic allegiance, their love and reverence for Palestine, their Pharisaic religious discipline and the universal, missionary aspirations of Judaism which they sought to realize. "Woe unto you, scribes and Pharisees," we read in the unfriendly source of Matthew, "ye scour land and sea to make one convert."

The intellectual development of the ancient world had far out-distanced its polytheism, mythology and idolatry. It was ripe for a new religion, and the Jews of the Diaspora, the covenanted people of a pure monotheistic faith and an exalted code of morality which had challenged and defied the polytheism and immorality of the heathen world for a thousand years, were eager to bring their faith to the Gentile world and to convert it to the Kingdom of God. This missionary activity reached large proportions, provoked strong opposition and, at times, violent persecution. But it testifies to the religious vitality of the Jewish communities outside of Palestine.

The degree of their vitality reflected their cultural environment. In the Hellenistic cultural complex they were less creative and less original than say, in Babylonia. The Jews of Babylon produced the Babylonian Talmud and established great rabbinic academies such as Sura, Nehardia and Pumbeditha, just as centuries before they had created the synagogue. We find no corresponding achievements among the Jews in the Graeco-Roman world.

Religion Citadel of Strength

But the Jewish people amply demonstrated that they and their faith could survive almost everywhere in the Diaspora. They were undoubtedly strengthened by the influences which came to them from Palestine, but the greatest source of their strength was their own religion, the divine Torah which was the common possession of Jews the world over, and which was a Tree of Life to them, the precious and beloved institution of the synagogue, which was their spiritual home and which existed in every town and village, and all the dear traditions of a proud and spiritually contented people.

They wanted to remain Jews and to live the Jewish way of life. They were not unacquainted with periodic persecutions and virulent anti-Jewish propaganda. They were also subjected to the disruptive influences and blandishments of pagan society and attractive alien cultures and philosophies. They were not isolated or ghettotized. They could assimilate if they wished to, much easier than in our day, and the rewards were inviting.

But overwhelmingly they chose to remain Jews. Presumably many fell away. Many fell away throughout the centuries of our dispersion

both in times of persecution and in times of freedom and enlightenment. But many more did not. Those who did not are responsible for our survival and those who do not make up the strength of the Jewish people today. Their kind will constitute the strength of the Jewish people tomorrow. The existence of a Jewish State can only add strength to their strength, and confidence and dignity to their lives. It cannot undermine their Jewish faith and allegiance.

Whenever I am confronted with the question: Will Judaism survive in the Diaspora? I am tempted to counter with another question: Will democracy survive? Who can say? When we believe in and defend democracy it is not because we are sure that it will survive, but because it presently satisfies our deepest needs and, therefore, notwithstanding its patent shortcomings and the many serious setbacks which it has received and is receiving in many parts of the world, it still remains for us the desirable way of life. The American people has lived with it for 150 years and it is satisfied to carry on the same way into the indefinite and uncertain future.

It is so with Judaism. We believe in it and wish to transmit it not because we are sure that it will survive, but because it presently satisfies our deepest spiritual needs as it did those of our ancestors in the long past. We are satisfied to carry on the same way into an indefinite and uncertain future, despite apparent difficulties and evidences here and there of falling away and collapse. The quality of our devotion to Judaism today and the means which we will employ to strengthen it may make that future less indefinite and less uncertain.

Ripe for Native Spiritual Movement

There will be need for a vital Liberal Judaism within the State of Israel itself. One should bear in mind that most of the great prophets of Israel preached religion - God and the law of God - in Palestine and to the Jews of Palestine at a time when they were not lacking a land, a language, and a government of their own. Clearly these by themselves were not enough.

In the days of the Maccabees a violent religious reformation had to be launched in Palestine to save the Jews of Palestine from the corruptive spiritual influences of a brilliant but decadent pseudo-Hellenic culture to which they had succumbed. At the time of the first restoration in the sixth century, it was fully grasped by the great rebuilders of the state that political and physical restoration was not enough.

Nehemiah, therefore, set himself the task of rebuilding the state physically. Ezra set himself the task of rebuilding the faith of Israel. All the prophets of the restoration linked up the national regeneration of the people with moral and spiritual regeneration, and with the regeneration of the whole of mankind. At the beginning of the second restoration Theodor Herzl declared that "a return to Judaism must precede a return to the Jewish land." Three months before he died he wrote: "In Zionism, as I understand it, there is not only the striving for a legally secured soil for our

poor people; there is the striving for moral and spiritual perfection!"

The Jews of Israel will require religion just as the Jews outside of Israel. The youth in Israel, which at the moment finds spiritual discipline and challenge in the struggle to build the new state and defend it, will be in need, after this period has passed, of a sustaining spiritual morale which can only come from religion.

Liberal Judaism, in an Israeli not a Germanic setting, will appeal to them, I believe. Palestine Jewry generally is seeking new forms for its religious life. I believe that it is ripe for a great new spiritual movement which will be native to the soil, responsive to the demands of modern life, one which will lay emphasis not so much upon ritual and tradition as upon the prophetic, social and spiritual ideals of Judaism.

Judaism Will Flourish in Israel

I am inclined to believe that even Orthodox Judaism in Israel will undergo a considerable change. Jewish religious law in its creative periods was always evolutionary. The law was always adapted to the needs of the times through a carefully elaborated system of interpretation which preserved the spirit of the law while the law itself was adjusted to new circumstances and times. The destruction of the state, to quote Chief Rabbi Herzog, "checked the process of natural growth and development inherent in Israel's legal system." In a renascent Jewish state, Jewish religious law will again have the opportunity to develop organically.

Judaism will survive and flourish in Israel. It will survive and flourish also in the Diaspora, if the faithful and devoted among us will nurture and replenish it. The time will soon come when we shall be free to divert our energies largely to our synagogues, our schools, and our academies, whereas for a very long time now our energies and resources have been dedicated largely to the compelling emergencies of life-saving and state building. We shall soon be able to put the emphasis in Jewish community life upon religion - if we wish it. We should most earnestly wish it if we desire to give significance, content and dignity to our own lives and the lives of our children.

The United States, with the largest Jewish population in the world, and one which is basically loyal and generously responsive to Jewish needs and aspirations, can become a great creative center of Jewish spiritual life. Can, I say, not will, or must! We are constrained to acknowledge that the thin wafer, the melba toast type of Jewish education which our children receive in our Sunday schools is not the kind of a spiritual and cultural diet which can nourish and sustain a vigorous Jewish life, and one which does not promise well for the future.

Liberal Mission Ideal Valid

Some ten years ago I had occasion to write:

To the thoughtful Jews it is becoming increasingly clear that there are no substitutes in Jewish life for religion. Neither philanthropy nor culture nor nationalism is adequate for the stress and challenge of our lives. All these interests can and must find their rightful place within the general pattern of Judaism. But the pattern must be Judaism, the Judaism of the Torah, the synagogue and the prayer book; the Judaism of the priest, the prophet, the saint, the mystic and the rabbi; the Judaism which speaks of God, and the worship of God, and the commandments of God and the quest of God.

There have been many false prophets of ersatz Judaism in our midst who have frequently misled our people. There were professional social workers, for example, who announced that a full complement of scientifically administered hospitals and orphanages and other social agencies was a sufficient "vade mecum" for the Jewish people, and that the synagogue and religious schools were quite unnecessary. At best, they were to be tolerated only as a concession to those who still take such things seriously, and in order not to create unpleasant friction in the community.

There were certain educators who resented the intrusion of religion in their ultra-scientific curricula. Judaism, they said, was not a religion, but a way of life - that is to say, their way of life, which, of course, was non-religious or anti-religious. Jewish education should, according to them, not be religious at all, only nationalistic and linguistic. At best, the religious note might be smuggled in, but only as a concession to old-timers and cranks who do not know any better.

There were those Jewish spokesmen who offered Jewish nationalism as a substitute for Judaism, forgetting that nationalism as such, unredeemed by a moral vision and responsibility, had sadly fragmentized our world, provincialized its peoples and is driving nations madly from one disaster to another, forgetting, further, that there is a widely felt and widely answered need for religion and religious institutions even among peoples whose national life is already fully established, who are in their own lands, and who are possessed of a rich national culture.

The upbuilding of a Jewish national home in Palestine is one great, urgent and historically inescapable task of Jewry. The upbuilding of Jewish religious life in America and elsewhere throughout the world, inclusive of Palestine, is another. One is no substitute for the other. One is not opposed to the other.

Whether Jews will live as citizens of Israel or as citizens of the United States or of other lands, they should not evade the great mandate of their prophetic religion and their history which is to serve God and man, to strive for the establishment of His Kingdom,

and by the practice and the propaganda of their faith, to be a light unto the nations. The mission ideal which Liberal Judaism has stressed is historically valid. It is of the very warp and woof of prophetic Judaism. It is valid today. It is the burden of our destiny. God has permitted us to renew our days as of old. Let us, in gratitude, renew our faith as of old.



Germany.

- 1) Effect. - analogous - Milestones - Dates. Forced adjustment
- a new way of life - Too close - complications -
- 2) Psych. One - after 1945. Concept of Wandering Jew.
2 1/2 - when people, then am for wld - only compel.
birthright, exile. - all Nations sent forth
- change citizenship - Normalizing curse of Cain
- (a) Whatever destroyed to create - vill reflect
- tension - less stressman
- (b) Not to support - Liberty - He will fly ht.
- embarrassed -
- (c) Dignity & Pride - War - Joshua - promise -
Gen. Babel - "with one hand." armies -
- casualties - Flies.
Liberty never given - V.J.A. -
A diff. kind of Jewry - Gas Chambers -
- (1) Pride - To be undefeated after 1945.
To remain 1958 after 1900
To rise from Holocaust
Unique hist. phenomenon -
It couldn't be done! - a sea of blood
- a poor, neglected - Hostile world -
Faith said other wise - And what a
miracle Faith achieved - How men -
Zeal - How land responded - defended -
Org. Skill -
- Pride - walk away men -

3/ Re-grouping of World Jewry - 2 M. by 1960 (2)
4 M. not excessive for us! Next to US - Soviet -
concentration in East - cracks - East to be -
can discuss cultural milieu -
(Blending) - Synthesis of E. & W. (Melting
pot) World Jewry - Am. life richly perfused
(Dynamism) - Middle East

(a) It was a very exciting

4/ Two questions - what effect - Jews - Judaism

(a) As impact fact - majority - legislation
Secured Law was enacted 2 1/2 inside - 5 1/2 outside
Extended - Important ambitions - Every 10th
Every 5th -

(b) Not necessary result of Experiences

(c) What was relationship - No pol. alliance
- Exercise now. (Philo)

"Their" country - did not democratize - not

No Dual alliances! never was

The prejudiced confronted up

(d) Reorg. it as work - pol. center - center
of their Religion - Holy Land - Temple

1/2 1/2 - (Philo) - For goals

1/2 1/2

(e) Even after disaster - sp. center

Even after - our academics - Patriarchate (3)

SC - calendar Ordination

- Jews - understood importance of maintaining Gush
- hold them together - method to remain in
best community - on people!

1). If history is any Guide - wait 14 m/s
- seem and - refugees - even pol. support

not pressure

Qashim - a land, which - proved -

Pilgrims - press - Free flow

mutual stimulation

One People - or gold - but Jews, Israel

will not undervalue all these - discharge

- a special attachment - will not undervalue

Voltaire - non-pol. sense - Sabbath

2). Orthodox - central rel. authority - Rever

Bundling only - State - non-theocratic -

Judea

3). On - welcome by - products - End, long Blot

- clashes & confusion - Swords - sheathed

Life has composed Israel - State is there!

- is fighting not a merchant

Turn from fighting - to make land secure -
- defend - Judean Vital -

8/ On Jordan 2 - Down - Seized on an idea, 14
- conviction - "New Look" 7 assimilation
apologies

To look to History - What was status
of rel. life. Loyal Active obviously
not evangelical, 1 conviction, 1 conviction
Jews even then - indifferent (happens)

Contemporary King - Excesses -
Vigorous prophetic activity - to convert
+ with considerable success - And

Strong Hebrew men

"We unto you, sent of Hebrews - 70
seven land and sea to make an con-
vert"

The of State was on thing - Jud. was great
and then - no conflict -

Opportunity in ancient Byzantine hands -

- eager to bring their faith -
demanded that their faith could not
only remain - advance -

Strength came - from 501x - 540y 200

wanted to remain Jews! - Persecution

- anti-J. propaganda - disruption
bandwagons - Not the to be fixed

Could assimilate if they wished to - some > 15
an day - remains were interesting.

⑤ Many fell away - always. Many more
chose not to - Strength / an Survival -
There will contribute an Strength to Western
existence (I) State - can ~~at~~ only add Strength to

9). Wherever - Will J. survive? - January 2
Who can say? - When we defend D.
- in spite - a devoted way / life for us -
The quality / an devotion - will make its
future less in def. & less uncertain

10). There will be need for J. within Israel -
- messiahs - Prophets - God & the Law

God -

⑥ at time / First Restoration - great
builders realized that 1st Temp. Restoration
Melchizedek - Ezra - rel. representation

(Hosea) - "a return to J. most people
a return to the J. land"

⑦ Jud. will remain the flourish in Israel
- also here! - if, the faith for will continue
& uphold it

⑧ Divert an energy -

11). Whether in Israel & her - the Great Mandates (6
of our destiny remains - / yet - to serve
God & man - Estate. His Kingdom -
Mission still remains - Valid to-day -
God has permitted us to renew our day, & /
let us renew our Faith as of old!



Raeph Bahlam *Post-Dispatch* **Constitution of Israel** **Proposed Text**

Preamble

WE, THE PEOPLE OF ISRAEL, humbly giving thanks to Almighty God for having delivered us from the burden of exile and brought us back to our ancient land;

Recalling the tenacious endurance of the generations of the Exile and their heroic sacrifices for the survival of our People and the preservation of its spiritual heritage;

Gratefully remembering the faithful remnant who maintained the continuity of Jewish settlement in Palestine throughout the centuries, and the inspired efforts of the pioneers of the national revival;

Resolved to rebuild our Commonwealth in accordance with the ideals of peace and righteousness of the Prophets of Israel, to welcome home every Jew who seeks entry, and to promote the security and well-being of all who dwell within our gates.

HAVE ADOPTED THE FOLLOWING CONSTITUTION:

I. General Provisions

ARTICLE 1. The name of the State is ISRAEL.

ARTICLE 2. The State of Israel is a sovereign, independent, democratic republic.

ARTICLE 3. The State of Israel is designed to be the National Home of the Jewish People and shall admit every Jew who desires to settle within its territory subject to such regulative provisions as may from time to time be enacted by the Chamber of Deputies.

✓ ARTICLE 4. (1) All persons within the jurisdiction of the State of Israel shall be entitled in equal measure to the protection of the law. No discrimination of any kind shall be made by the State between the inhabitants of the State on the grounds of race, religion, language, or sex.

✓ (2) All citizens of the State shall enjoy equal civic and political rights. No citizen shall be at a disadvantage as a candidate for public office or employment or in the matter of promotion, on account of his race, religion, language or sex.

(3) No land, buildings or other property may be expropriated except for public purposes. In all cases of expropriation full compensation, as prescribed by law, shall be paid.

ARTICLE 5. The official language of the State of Israel is Hebrew. Adequate facilities shall be given to Arabic-speaking citizens for the use of their language, either orally or in writing, in the legislature, before the courts and before the executive and administrative authorities.

ARTICLE 6. (1) The following persons shall

be citizens of Israel and shall enjoy the rights and privileges and be subject to the obligations of such citizenship:

(a) All Jews who were resident in the area of the State at the time of the enactment of this Constitution.

(b) All Jews over the age of 18 years resident in that part of Palestine which is not included in the State of Israel who, within one year, opt for citizenship of Israel. The exercise of this right of option shall include the wife and children under 18 years of age of the person so opting.

(c) All residents of Israel other than Jews who were citizens of Palestine at the time of the termination of the Mandate, provided that any such person being over the age of 18 may, within one year, elect not to accept the citizenship of Israel. The exercise of this right of option includes the wife and children under 18 years of age of the persons so opting.

(2) The conditions governing the future acquisition and termination of citizenship in the State of Israel shall be determined by a Nationality Law.

ARTICLE 7. The flag of the State of Israel is a white banner with two horizontal blue stripes and the Shield of David in the centre.

ARTICLE 8. All natural resources within the jurisdiction of the State of Israel shall belong to the State subject to any rights therein vested in any person or body, and shall be controlled and administered by the Government of Israel in accordance with such regulations and provisions as shall from time to time be approved by legislation.

ARTICLE 9. The State shall enact legislation to ensure the proper conservation and economic utilization of the soil and water for the benefit of the people.

ARTICLE 10. The Antiquities in Israel, being a precious heritage of the past, shall be considered as a trust to be conserved by the State for future generations, and the State shall enact legislation to this end.

ARTICLE 11. The State of Israel shall seek to settle all international disputes of whatever nature or origin in which it may be involved by pacific means only. The generally recognized rules of international law shall form part of the municipal law of Israel.

II. Fundamental Rights

ARTICLE 12. The State shall ensure the sanctity of human life and uphold the dignity of

man. There shall be no penalty of death, nor shall anyone be subjected to torture, flogging or humiliating punishment. The application of moral pressure or physical violence in the course of police interrogations is prohibited; evidence obtained by such methods shall not be admissible in Court.

ARTICLE 13. (1) The liberty of the person is inviolable. No one shall be detained except pursuant to an order or judgment of a Court of Law, or when apprehended in flagrante delicto, or for the purpose of bringing him before a Court on a charge of having committed a crime.

(2) Preventive detention by executive order shall be unlawful except when authorized by specific legislation in time of war or national emergency and subject to continuous parliamentary control.

(3) Any person arrested shall be informed in writing within twenty-four hours by what authority and on what grounds he is being detained, and shall be brought up for trial not later than two days from the date of his arrest. Upon complaint being lodged by or on behalf of any person to the High Court or any Judge thereof, that any such person is being unlawfully detained, the High Court or the Judge to whom such complaint is made shall require the officer in whose custody such person is detained, to produce him without delay and certify in writing the grounds of his detention. If satisfied that the detention is not in accordance with the law, the Judge shall order the immediate release of the detainee.

(4) No person under arrest shall be held incommunicado.

(5) No person shall be deprived of his liberty on account of a debt or other contractual obligation except for fraud.

(6) No one shall be tried save by due process of law. Extraordinary courts shall not be established. No person other than members of the Armed Forces of the State on active service, shall, at any time, be subjected to the jurisdiction of military tribunals.

(7) No one shall be convicted of any infringement of the law which did not constitute an offense when it was committed, nor shall any amendment of the law increasing the penalty for any offense or altering the rules of evidence to the detriment of the accused have retroactive effect.

(8) Anyone wrongfully arrested, convicted or punished shall have an enforceable claim for compensation against the State.

ARTICLE 14. The dwelling of every person is inviolable and shall not be entered or searched except in accordance with the law and in the manner therein prescribed. Private correspondence

as well as telegraphic and telephonic communications shall not be intercepted. Any temporary suspension of these guarantees in time of war or national emergency shall require specific legislative authorization and shall be subject to parliamentary control.

ARTICLE 15. (1) Freedom of conscience and the free exercise of all forms of worship, subject only to the maintenance of public order and morals, shall be insured to all.

(2) Existing rights in respect of Holy Places and religious buildings or sites shall not be denied or impaired. The liberty of access, visit and transit to Holy Places shall be guaranteed, in conformity with existing rights, to all without distinction, subject to the requirements of national security, public order and decorum.

(3) No taxation shall be levied in respect of any Holy Place, religious building or site which was exempt from taxation on the date of the establishment of the State. No change in the incidence of such taxation shall be made which would either discriminate between the owners or occupiers of Holy Places, religious buildings or sites, or would place such owners or occupiers in a position less favourable in relation to the general incidence of taxation than existed prior to the establishment of the State.

(4) The Sabbath and the Jewish Holy Days shall be days of rest and spiritual elevation and shall be recognized as such in the laws of the country. The Holy Days of other religious denominations shall equally be recognised as legal days of rest for the members of such denominations.

ARTICLE 16. Freedom of speech and the free expression of opinion in writing or in any other form, are guaranteed. This constitutional guarantee shall not extend to utterances or publications which are libellous, slanderous or obscene, or which are designed to stir up racial or religious hatred, or to incite to violence or crime, or which advocate the suppression of human rights, or of the democratic system of government, or which reveal secrets of national defence. The institution of a preventive censorship shall be unlawful save in time of war or national emergency and shall require specific legislative authorisation and be subject to continuous parliamentary control and review.

ARTICLE 17. All citizens of the State of Israel shall have the right to assemble peaceably without arms and to form associations, subject to such regulative provisions as may be enacted from time to time by the Chamber of Deputies. Such enactments shall contain no discrimination on grounds of race, religion, language or political belief.

This constitutional guarantee shall not extend to assemblies or associations aiming at the suppression of human rights or of the democratic form of government.

ARTICLE 18. Any officer of the State of Israel who, contrary to the provisions of this Constitution, knowingly violates the rights and liberties of any person shall be liable to proceedings under the civil and criminal law.

ARTICLE 19. Every citizen of the State of Israel has the right, either individually or in association with others to petition the President, the Government, the Chamber of Deputies, or any other public authority for the redress of grievances or of the enactment of legislation.

ARTICLE 20. No one may be extradited to any foreign country where he is liable to be deprived of such fundamental personal and political rights as are guaranteed by this Constitution. The Government of Israel may in its absolute discretion refuse to deliver up any of its subjects to a foreign government for prosecution or punishment.

ARTICLE 21. The economic order of the State of Israel shall be based on the principles of social justice. Every citizen shall have an equitable share in the national income and a right to social security. The State shall encourage and aid every form of cooperative effort.

ARTICLE 22. Every one has the right to work. The State of Israel shall endeavor to ensure to all its citizens without distinction a decent standard of living and a fair and equal opportunity of earning a livelihood. Legislation shall be enacted making provision for reasonable wages, working hours and conditions of work and for the provision of state insurance against the risks of accident, sickness, disablement, unemployment, old age and other causes of undeserved want. Special protective measures shall be enacted for the benefit of working mothers and children, and of widows and orphans.

ARTICLE 23. The right of workers to form trade union associations, to enter into collective bargaining contracts and to strike in defense of their economic rights and interests is guaranteed by the Constitution. Any provision embodied in a contract of employment which involves renunciation or diminution of these rights shall be null and void.

ARTICLE 24. Care for the health of the population is a primary duty of the State. Legislation shall be enacted providing for the establishment of a national health service, protection of motherhood and child life, the promotion of public and personal hygiene, and the grant of state aid towards the construction of hygienic workers' dwellings.

ARTICLE 25. (1) The State shall provide

adequate facilities for primary and secondary education to be given to Jews and Arabs in their own language and cultural traditions.

(2) The right of each community to maintain its own schools for the education of its own members in its own language, while conforming to such educational requirements of a general nature as the State may impose, shall not be denied or impaired.

(3) Foreign educational establishments shall be allowed to continue their activity on the basis of their existing rights.

III. The Legislature

ARTICLE 26. The legislative power in the State of Israel shall be vested in the Chamber of Deputies.

ARTICLE 27. All citizens of the State who have reached the age of twenty-one and are not subject to any legal disability or incapacity under the electoral law shall be entitled to vote in the elections to the Chamber.

ARTICLE 28. All citizens of the State who have reached the age of twenty-five and are not subject to any legal disability or incapacity under the electoral law, shall be eligible to the Chamber. Judges, civil servants, members of the Armed Forces of the State of Israel serving with the colours, and persons who are also citizens of a foreign state shall not be eligible.

ARTICLE 29. The Chamber of Deputies shall be elected by equal, direct and universal suffrage and by secret ballot on the basis of proportional representation. The mode of election shall be determined by an electoral law. The country shall be divided into a number of electoral districts, each 10,000 of the population approximately to be represented by one deputy. The electoral districts shall be revised once in three years, having regard to intervening changes in the numbers and distribution of the population. Vacancies caused by the death, resignation, or disqualification of any deputy shall be filled in accordance with the provisions of the electoral law.

ARTICLE 30. Elections shall be held within two months from the expiration of the term or the dissolution of the preceding Chamber. They shall be held on the same date throughout the country.

ARTICLE 31. The Chamber shall meet within one month of its election. It shall hold two sessions every year, beginning in the first week of Cheshvan and Iyar, respectively. The sessions shall be convened by the Chairman on the day fixed by the Chamber upon its adjournment. At the request of one-third of the deputies, an extraordinary session shall be called.

ARTICLE 32. On taking their seats, deputies shall make the following solemn declaration: "I pledge myself to be faithful to the State of Israel and to uphold its Constitution and its laws."

ARTICLE 33. The Chamber shall be elected for a period of four years, but it may extend its term in case of war or emergency, but for no more than one additional term.

ARTICLE 34. The President of the Republic may dissolve the Chamber of Deputies prior to the expiration of its term if the Executive Council in office has resigned and no alternative Executive Council can be formed commanding the support of a stable majority in the Chamber.

ARTICLE 35. No legal action shall be taken against any deputy in respect of any statements made or vote taken in the Chamber or in respect of any opinions expressed by him outside the Chamber in his official capacity. No deputy may be required, even after having ceased to be a deputy, to give evidence in any court of law in regard to matters confided to him in that capacity. This provision shall not apply to any investigation conducted by a committee of enquiry appointed by the Chamber.

ARTICLE 36. No criminal proceedings may be taken against any deputy except with the consent of the Chamber. No deputy may be arrested except if apprehended in flagrante delicto. If any deputy is so arrested, the chairman shall be immediately informed and shall bring the matter to the notice of the Chamber. Unless the Chamber within a fortnight approves of the detention and authorizes the institution of legal proceedings against the deputy, he shall be released.

ARTICLE 37. Deputies shall receive a remuneration to be fixed by the Chamber.

ARTICLE 38. Official reports of proceedings in the Chamber and its Committees, as well as true reports of such proceedings wherever published, shall be privileged.

ARTICLE 39. The Chamber shall adopt Standing Orders for regulating its procedure, maintaining internal discipline and protecting its members from any molestation, interference or attempt at corruption. It shall elect a Chairman and Vice Chairman and fix their powers and remuneration.

ARTICLE 40. The proceedings of the Chamber shall be held in public. Upon a motion supported by two-thirds of the deputies present, the public may be excluded.

ARTICLE 41. Save as otherwise prescribed in this Constitution or in the Standing Orders, decisions shall be by a majority of those present. In case of any equality of votes the presiding officer shall exercise a casting vote.

ARTICLE 42. The initiative in introducing legislation shall rest with the Executive Council. Deputies may propose legislative measures, but such proposals shall be referred to a Select Committee of the Chamber. They shall be introduced by the Executive Council if recommended by a majority of the Select Committee and in the form recommended by that Committee.

ARTICLE 43. All revenues of the State, from whatever source arising, shall form one Consolidated Revenue Fund and shall be appropriated by the Chamber of Deputies for the purposes of the State in the manner and subject to the charges and liabilities imposed by this Constitution.

ARTICLE 44. The Chamber shall consider the estimates of income and expenditure for the current financial year submitted to it by the Executive Council, and shall enact the Finance Act prior to the end of the financial year. No resolution for the appropriation of funds or for the increase of any grant or charge may be moved except by a member of the Executive Council.

ARTICLE 45. After a Bill has been passed by the Chamber, two copies of it shall be transmitted by the Chairman to the President of the Republic for his signature. One copy shall be deposited in the Record Office of the Chamber and the other shall be transmitted to the Registrar of the High Court to be enrolled for record in his office. It shall come into force upon its publication in the Official Gazette.

ARTICLE 46. The recruiting and maintenance of the Armed Forces shall be subject to the control of the Chamber of Deputies.

ARTICLE 47. Treaties and other agreements with foreign countries shall not be binding upon the State unless approved by the Chamber of Deputies. By such approval these treaties and agreements shall become part of the municipal law of Israel. All such treaties and agreements shall be published in the Official Gazette.

IV. The Executive Power

ARTICLE 48. The executive power in the State of Israel shall be vested in the President of the Republic and in the Executive Council.

(1) THE PRESIDENT OF THE REPUBLIC.

ARTICLE 49. Any citizen of Israel, who is eligible to the Chamber of Deputies and has reached the age of 35, may be elected to the office of President.

ARTICLE 50. The President of the Republic shall be elected by the Chamber of Deputies by secret ballot. If, in two successive ballots, no candidate receives an absolute majority of votes, the candidate for whom, in the third ballot, a relative majority of votes is cast, shall be deemed to have been elected.

ARTICLE 51. The term of office of the President shall be five years. He may be re-elected on the expiry of his term or at any subsequent election, but only for one additional term of office.

ARTICLE 52. The election of the President shall take place not later than one month prior to the expiration of the term of the President in office. If the latter dies, resigns, is removed from office or becomes permanently incapacitated, such incapacity being established by a decision of the Supreme Court, the election of a new President shall take place within one month therefrom.

ARTICLE 53. If the office of the President becomes vacant as a result of the death, resignation, removal, or permanent incapacity of the holder, the Chairman of the Chamber of Deputies shall exercise the functions of the President until the election of a new President.

ARTICLE 54. The President, upon entering his office, shall make the following declaration in the presence of members of the Executive Council, the Chamber of Deputies and the Judges of the Supreme Court and the High Court: "I solemnly promise that I will maintain the Constitution and the laws of Israel, that I will dedicate myself to the service and welfare of the People of Israel and that I will act justly and rightly to all citizens of Israel."

ARTICLE 55. Every official act of the President shall be countersigned by the Prime Minister or a member of the Executive Council who shall thereby assume responsibility for it.

ARTICLE 56. The President shall, after consultation with the leaders of the parliamentary parties, appoint the Prime Minister and upon his advice, the other members of the Executive Council. The President shall appoint the ambassadors and ministers of the State of Israel. The President shall appoint the Commander-in-Chief of the Armed Forces of Israel and issue commissions to the officers of these Forces.

ARTICLE 57. The President shall receive the diplomatic envoys accredited to the State of Israel and shall issue exequaturs to foreign consuls.

ARTICLE 58. The President shall promulgate the laws enacted by the Chamber within ten days from the date of such enactment. If the law was enacted as an urgent measure it shall be promulgated within three days.

ARTICLE 59. The President shall exercise the prerogative of mercy.

ARTICLE 60. The President shall, upon the advice of the Executive Council and with the assent of the Chamber of Deputies, conclude treaties with foreign states.

ARTICLE 61. The President shall be removed from office on impeachment by two-thirds of the Chamber of Deputies and on conviction by the

Supreme Court of high treason, bribery or culpable violation of the Constitution.

(2) THE EXECUTIVE COUNCIL.

ARTICLE 62. The Executive Council shall consist of the Prime Minister, the heads of the Departments of State and such Ministers without Portfolio as may from time to time be appointed. The total number of Ministers shall not exceed fifteen. All Ministers shall be members of the Chamber of Deputies and shall be appointed in the manner prescribed in Article 56.

ARTICLE 63. The Prime Minister shall preside over the meetings of the Executive Council. He shall be responsible for the coordination of activities of the Executive Council and for the execution by the Departments of State of the policies adopted by the Executive Council. He shall keep the President of the Republic informed on all major questions of domestic and foreign policy.

ARTICLE 64. The Executive Council shall be collectively responsible to the Chamber of Deputies. It shall resign if it ceases to retain the support of a majority in the Chamber of Deputies, but shall continue in office until its successors have been appointed. The resignation of the Prime Minister shall entail that of the Executive Council as a whole. Individual Ministers may resign from office by placing their resignation in the hands of the Prime Minister for submission to the President of the Republic.

ARTICLE 65. No minister may be a member of the Board of Directors of any Joint Stock or Limited Liability Company carrying on business for profit.

ARTICLE 66. The organization of the Departments of State, the designation of Ministers and their remuneration shall be regulated by law.

ARTICLE 67. The organization of and admission to the Civil Service shall be regulated by law. After the enactment of this Constitution, all appointments to the Civil Service shall be by examination to be conducted by a Civil Service Commission. In exceptional cases the Civil Service Commission may authorize the appointment of senior officers without examination.

ARTICLE 68. The Executive Council and any of its members shall have power to make orders and regulations within the framework of existing laws. Such orders and regulations shall be tabled in the Chamber of Deputies and shall become inoperative if a motion to that effect is adopted by the Chamber within two weeks therefrom.

(3) COMPTROLLER AND AUDITOR GENERAL.

ARTICLE 69. There shall be a Comptroller and Auditor General to control, on behalf of the

State, all payments and to audit all accounts of monies administered by or under the authority of the Chamber of Deputies. He shall not be a member of the Chamber of Deputies nor hold any other office or position of emolument. The manner of his appointment and the length and conditions of his tenure of office shall be fixed by law.

V. The Judicial Power

ARTICLE 70. The judicial power shall be vested in and exercised by the Courts of Law established under this Constitution. They shall comprise:

- (a) Magistrates' Courts;
- (b) District Courts;
- (c) A High Court with original and appellate jurisdiction in civil and criminal matters, and with exclusive original jurisdiction in all questions relating to the validity of any law having regard to the terms of the Constitution;
- (d) A court of final appeal to be called the Supreme Court;
- (e) Religious courts of the Jewish, Moslem and Christian communities exercising jurisdiction in matters of personal status and of religious foundations and endowments.

ARTICLE 71. The organization and jurisdiction of the courts, the remuneration, pensions and age of retirement of the judges, and all matters of procedure shall be regulated by law.

ARTICLE 72. All judges, other than the members of the Religious Courts, shall be appointed by the President of the Republic on the advice of the Minister of Justice who, in tendering such advice, shall be guided by the recommendations of a Selection Board consisting of a member of the Supreme Court, a High Court judge, two senior officers of the Department of Justice, three deputies chosen by the Chamber and three representatives of the Bar Association. The Selection Board shall be reconstituted annually. The judges of the Religious Courts shall be appointed by the President of the Republic acting on the advice of the Minister for Religious Affairs who, in tendering such advice, shall be guided by the recommendations of the Supreme Religious Council of the community concerned.

ARTICLE 73. No judge of the Civil Courts shall be removed from office except for stated misbehaviour or incapacity upon a resolution supported by two-thirds of the members of the Chamber of Deputies. No judge of the Religious Courts shall be removed from office except for stated misbehaviour or incapacity upon a motion of the Supreme Religious Council of the community concerned and upon a resolution sup-

ported by two-thirds of the members of the Chamber of Deputies. The removal shall be effected by an order of the President of the Republic.

ARTICLE 74. Where any action of personal status involves persons of different religious communities, the President of the Supreme Court shall decide which court shall exercise jurisdiction. In deciding such issue, he shall invite the assistance of assessors from the Religious Courts of the communities concerned. Whenever the question arises as to whether or not a case is one of personal status within the exclusive jurisdiction of a religious court, the matter shall be referred to a special tribunal, the constitution of which shall be prescribed by law.

VI. Amendment of the Constitution

ARTICLE 75. The Chamber of Deputies shall have power to amend the Constitution, but every such amendment shall require the assent of two-thirds of the total membership of the Chamber and shall not come into force unless passed by that majority in two successive sessions of the Chamber, and unless not less than six months have elapsed between the two successive enactments.

VII. Constitution and Legislation

ARTICLE 76. No law shall be enacted which is in any respect repugnant to any of the provisions of this Constitution. If the Courts pronounce any law or any provision thereof to be repugnant to the Constitution, such law or provision shall, to the extent of such repugnancy, be henceforth absolutely void and inoperative.

VIII. The Law

ARTICLE 77. The laws in force in the State of Israel at the time of the enactment of this Constitution shall continue in force to the extent to which they are not inconsistent with the terms of this Constitution until the same or any of them shall have been repealed or amended by the Chamber of Deputies or under its authority. Future legislation in Israel shall be guided by the basic principles of Jewish Law. Wherever the existing law does not provide adequate guidance, the Courts-of-Law shall have recourse to these basic principles.

IX. Promulgation

ARTICLE 78. This Constitution shall come into force on the day of its publication in the Official Gazette.

Observations on the Constitution

by Leo Kohn

I. Introduction

THE DRAFTSMAN of a Constitution for Israel does not move in a vacuum. The Resolution of the General Assembly of November 29th, 1947 required a number of provisions to be expressly embodied in the Constitution. These refer, in the first place, to Holy Places, religious buildings and sites, and to religious and minority rights. The Resolution further contains specific directives as regards the internal structure of the State. These provide for the setting up of a legislature elected by universal and secret ballot on the basis of proportional representation and of an executive responsible to such legislature—in short, for the establishment of a parliamentary form of government. Finally, the Resolution prescribed that the Constitution should contain provisions for settling international disputes by peaceful methods, for abstaining from aggressive policies and for ensuring freedom of transit and visit to residents and citizens of the Arab State in the City of Jerusalem. In the following Draft these directives have been closely adhered to except insofar as they have been superseded by subsequent developments.

Apart from these imposed provisions—many of which would in any case have been adopted by the new State—the frame of the Constitution must obviously be influenced by the political and social conditions in the country. The structure of politics in Israel is a result of developments going back several decades. In the course of these developments a highly diversified party system, which now embraces nine distinctive parties with well-defined political and economic platforms, has arisen. The introduction of proportional representation required by the terms of the U. N. Resolution will hardly tend to reduce their number. It may in fact increase them. In these circumstances the British parliamentary system is practically ruled out, although it is not inconceivable that in the course of events comprehensive party blocs would be formed which might in the end result in the emergence of something akin to a two-party system. One thing however, deserves to be noted: the Jewish parties are not of the inchoate character of many of the parlia-

mentary groups in Continental Europe. They have clearly defined attitudes and programs, and their reaction to any specific problem that may arise in the course of a Parliament can with most of them be anticipated with a fair measure of accuracy. This introduces an element of stability which is absent from many continental countries where the attitude of important parties on critical issues is not infrequently susceptible of sudden and fundamental change . . .

If a Constitution is to command the enduring loyalty of a people, it must be rooted in its moral and political traditions. In the case of the Jewish people, these are of distinctive and significant character. Their spiritual basis is the monotheistic conception of the Godhead, invisible, omnipotent, one and indivisible, the embodiment of absolute justice, the Ruler of the Universe, the Father of Man. The projection of that conception in the human sphere is an austere moral code, aiming at the sanctification of matter by the creative force of the spirit. Its ultimate goal is the establishment of the Messianic Kingdom, embodying a rule of universal justice freely acknowledged by all the children of men. From its early beginnings, Judaism aimed not merely at individual perfection, but at the shaping of a social order. Its aim was the evolution of a "Kingdom of Priests and a Holy People" ruled, not by priests or kings, but by the Deity itself, a bold effort at shaping reality in the image of the absolute. Judaism is a design for framing the life of a community in accordance with the dictates of a higher order: kindness to the poor, but justice to be accorded equally to the rich and to the poor; the sanctity of the Sabbath, but no less so the holiness of the working day; freedom of contract, but, above that, the greater freedom of the Sabbatical and the Jubilee Years which restore liberty to the slave and give back to the poor man his lost heritage—such are its characteristic prescriptions.

A Jewish Constitution, if it is to be Jewish and to command the moral allegiance of the Jewish people, must be so framed as to give expression to these timeless ideals. The State of Israel is being rebuilt under modern conditions. It cannot but adopt the constitutional forms and devices through which the mass-life of a modern democracy is being governed. But these forms may well be related to the spiritual order of the ancient Hebrew theocracy under which the divinely

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