

18 January 1985

## NON-KOSHER PRESSURE

THE PRESSURE of the religious parties for amending the Law of Return should be seen in the context of the pressure exerted by the rabbinate on the Jews from Ethiopia to perform a ritual immersion. What could be more grotesque? As long as the rabbis in the past hesitated or refused to acknowledge that the Falashas – as they were called – were Jews, there was an inherent logic in the injustice of their ruling. After all a non-Jew cannot formally become a Jew by simply declaring himself one, any more than a Methodist can so become a Catholic or a Moslem.

Once the rabbinate recognized them as Jews, however – and they have come to Israel as of right under the Law of Return – it is surely an impertinence to present them with an additional condition for their “acceptance.” The nation has taken them to its bosom; and it is probably the very differences between them and the rest of us that have infused the welcome with a special warmth. It is not only the distinctive colour of their skin; not only the sufferings they have recently undergone. It is the tangible reminder of the miraculous continuity of our history, the survival of a Jewish tribe in ideological purity for at least 2,000 years; the persistence with which they have identified as Jews in alien and often hostile surroundings, isolated moreover from the main body of the Jewish people and the mainstream of its history. No other community in Israel can point to such a record of devotion.

What, then, can be the purpose of a ritual immersion? To make “better” Jews of them? They are, on their record, already better Jews. No; the demand for ritual immersion derives from the nit-picking irrelevance to which our Orthodox authorities so often resort to for reasons remote from godliness or compassion or logic.

AT AN EARLIER crucial moment in our modern history in Eretz Yisrael we had a spiritual leader who, sensing the awe of the historic moment of the Return to Zion, drew on his formidable intellectual energy and erudition to search for a loving synthesis between the demands of rabbinical ordinance and the new-born needs of the Rebuilding. Rabbi Avraham Yitzhak Hachohen Kook was moreover a man who did not allow himself to be deterred or deflected by the strident campaign then waged against him by the non-Zionist Orthodox.

Later, when the State was established, the far-seeing Mizrahi leader, Rabbi Yehuda Leib Maimon, envisaging the host of problems that must be faced by the religious leaders on the restoration of Jewish statehood, urged the setting up of a Sanhedrin. This body, representative of the spiritual leadership of the Jewish people, would necessarily seek the terms of accommodation between interpretation of *halacha* in the galut and the conditions of a modern Jewish State in the 20th century. Because of the perennial strife and jealousies among the rabbis, the idea languished and died.

The problems and conflicts when they came were thus compounded both by the absence of a strong and sensitive leadership and by the partisan or political considerations which, unhappily, so often dictate the attitudes of our religious authorities.

As with the pressure for ritual immersion of Ethiopian Jews, so with the demand that the Law of Return be amended. The source and inspiration are essentially identical.

THE RELIGIOUS politicians insisted that a decision to amend the law is urgent. It cannot wait. It must be enacted.

One would imagine that at least some thousands of inadequately converted non-Jews, hungering to enjoy the advantages of the Law of Return, are at this moment converging on Israel; and that the decision to prevent their acceptance must consequently be adopted quickly before they manage to each an Israeli port.

The urgings for immediate, speedy action are not relevant to any reality. If a decision were postponed for a whole year, it would still be possible to count on the fingers of one hand the number of inadequately converted gentiles who will have slipped into Israel as Jews. Moreover, the State is now completing its 36th year; and the rabbis and religious politicians would be hard put to it to point to any such cases in their own experience, or to any deterioration in the Jewishness of life caused by the integration of such people in to the community. In practical terms the dimensions of the problem are negligible; in religious terms they could be regarded as *batel beshishim* – so minute an ingredient in the national mix that it can be ignored.

The real issues lie elsewhere. The first is the determination of the Orthodox rabbis to maintain their monopoly of religious ruling. It is not really the nature of religious ruling. It is not really the nature of the few conversions that trouble them. It is the officiating rabbis, Conservative or Reform, whose authority they do not wish to recognize. The other issue is equally mundane: It relates to the compelling desire of each of the religious parties to flaunt an orthodoxy superior, or at least not inferior, to that of the others. This competition is not conducted in order to earn Paradise for its participants, but to earn a larger share of seats for itself in the Knesset.

The protagonists of the amendment appear to be oblivious to its effect on Jews all over the world. Maybe those Jews are over-sensitive; maybe their sensitivity is being exploited by those Reform rabbis in the U.S. whose attitude to Israel is at best lukewarm and some of whose practices, like the legitimization of a mixed-marriage, hardly invite respect for their authority. But the resentments are justified, and they exist, as was manifested by the protest of secular organizations and spokesmen, well beyond the framework of the Conservative and Reform establishments. Jews are being given a sense of communication.

EVEN IF there were any real danger to Israel from the present forms of conversion, it would still be proper to weigh it against the danger of creating a widespread sense of alienation among the non-orthodox Jews in the Diaspora. That is what Israel's secular legislators should be doing. Instead, many of them are supporting the ploy of the religious parties.

The two major parties, having performed the miracle of a united national government, have culpably failed to take advantage of their huge majority in order to put an end to the religious parties' capability to extort support for demands to which a majority of the people and of the Knesset are opposed. In the long range this can be achieved by amending the electoral system, so as to create the possibility of stable government by a majority party. In the immediate circumstances, they could have achieved this by a gentleman's agreement not to be intimidated by threats of withdrawal of support by one small party or another. They could add an agreement to forgo party

discipline, and allow a free vote in the Knesset on any question involving religious issues in the future.

It transpires that in the clash over the “who is a Jew” amendment, it is the Likud which is to blame for perpetuating the undeserved power of the religious parties.

One would have to be unnaturally naïve to imagine that the Likud members of the Knesset believe intrinsically in the case for the amendment. Except, perhaps, for a handful, they do not. The majority must certainly realize the artificiality of the Orthodox claims and the damage the very adoption of the amendment can cause among the Jewish people.

The truth is that their only concern is with a future election when, as they believe, they will be able to claim, from religious parties brimming over with gratitude, support in forming a government coalition.

The irony in the situation is that their calculation is quite wrong. They have not the slightest reason to believe that the religious parties will be “grateful.” On the contrary: they will argue that if the Likud voted as it did on such a question of conscience, it surely did so out of conviction and not out of horse-trading calculations. They will, quite correctly, owe the Likud nothing.

The Likud members, strangely enough, have failed to notice that the Labour Party, though undoubtedly also interested in the outcome of the next election, decided to vote against the religious parties’ wishes. Shimon Peres and his colleagues are thereby not only showing a greater sense of national and moral responsibility. They are also being more practical. They know that any advance payment for support will soon be forgotten. They know that in any future negotiations, a completely new price will have to be paid for the religious parties’ support; and they will then compete with the Likud on equal terms.

*See Letters to the Editor on the following page*

*Readers Letters – 25 January 1985*

*To the Editor of The Jerusalem Post*

Sir, – Jeremy Rosen (January 18) says that, because Ethiopian Jews did not follow the rabbinic law of the Talmud in Ethiopia and did not use Hebrew, they should under to a conversion ceremony to symbolize “a return to the rabbinic mainstream” and to “remove all possible doubts” as to their status. How many Jews in Russia observe rabbinic law? How many American Jews are observant of any Jewish laws, especially laws of Shabbat and family purity, which are rigorously observed by Ethiopian Jews? Why does Rosen not recommend “rapprochement” for American, Russian, and other Jews whose observance of rabbinic law has lapsed for many years? The arguments of Rosen and others are preposterous, given the state of observance in the Jewish world over the last 80 and more years.

As Shmuel Katz notes, in the same issue, the rabbinate is determined to maintain its power and to increase it to the greatest extent possible. That is the true reason for the completely illogical, arbitrary ruling in the case of Ethiopian Jews.

The Ethiopian Jews who arrive in Israel have undergone unimaginable suffering. It is disgraceful that the rabbinate has seen fit to check their Jewishness more closely than that of their more fortunate brothers.

*FRANK MICHAELSON*

Holon.

*Readers' Letters – 27 February 1985*

### **HALACHA AND THE ETHIOPIAN JEWS**

*To the Editor of The Jerusalem Post*

Sir, – Shmuel Katz's article, “Non-kosher pressure” (January 18) left me in complete dismay. As a kashrut inspector, he is wanting. I have been one who read his articles on political issues with respect because I felt he knew his subject. Therefore, his venture into the realm of Halacha with his dogmatism and disrespect, bordering on sheer *hutzpa*, opens to question his competence. If he knows so little about a subject with which I have familiarity, how can I assume that his knowledge of subjects with which I have less familiarity, is valid?

Obviously, Mr. Katz knows little about Halacha and its pre-eminence in classical Judaism. The rabbis who decided that immersion in a mikve is the halachic requirement for a group long separated from the mainstream of the Jewish people, showed the greatest measure of sympathy for the Ethiopian Jews. What is so “grotesque” about ritual immersion? Faithful Jewish women observe it each month. Countless Jewish men immerse daily or weekly or before holidays, with delight, satisfaction and a feeling of purification. Grotesque is Shmuel Katz's accusation of God-fearing men who serve as our spiritual leaders and who dedicate their lives to the study and practice of Torah Law, as being motivated by a desire for power.

The condition of acceptance is not “additional,” but basic and minimal. To Mr. Katz, the issue of these people and their Jewishness is obviously new or recent. Has he read a single responsum on the subject written in the last 150 years from the Ridbaz (Vol. 7 responsa 5) to contemporary authorities like Rabbi Moshe Feinstein and former Chief Rabbi Ovadia Yosef? Has he ever seen more sympathetic feeling expressed than in these halachic decisions?

Rabbi Feinstein wrote long before the recent events, regarding Ethiopian Jews: “With regard to their Jewishness, we have doubts and must ask of them full conversion before we can accept them. But before dealing with conversion, there is the *mitzvah* of rescuing them from apostasy and danger as we would every other Jew . . . and even if by law they are not Jews, since they consider themselves Jews and sacrifice for their Jewishness, we are obligated to rescue them.”

Mr. Katz continues: “Once the rabbinate recognized them as Jews. . . .” When did this occur? The rabbinate recognized their sincerity to be Jews, but had reason for reservations for which it offered the minimal demand to remove doubt.

What this has to do with amending the Law of Return is beyond me. The latter issue has been before the Knesset for over a decade, long before the Falashas were in the public eye. To state that “the demand for ritual immersion derives from the nit-picking irrelevances . . . for reasons remote from godliness or compassion or logic,” is demagoguery couched in impertinence. I assure Mr. Katz that he is a Jew today only because his grandparents engaged in these “nit-picking irrelevances.” Is he qualified to judge what is close to or “remote from godliness”?

If Mr. Katz presumes that the late sainted Chief Rabbi Abraham I. Kook or Rabbi Maimon of blessed memory, or the Sanhedrin he proposed, would have judged the issue of Ethiopian Jews or the Law of Return any differently than do the present chief rabbis, who are Rabbi Kook’s disciples, he is sadly mistaken. Such a contention derives from ignorance of the halachic process and from a sterility of spiritual values and commitment.

Unfortunately, when one has a career of political involvement in which expediency is the motto, one is unable to comprehend those whose spiritual convictions direct them for principle’s sake. To confuse the rabbis with what religious or non-religious politicians may do, is unfair, crude and destructive to the Jewish people. These are Jewry’s spiritual leaders, guardians of the people’s spiritual foundations, who seek no monopoly for themselves but for the place of Torah in the Jewish State. Theirs is the historically tried conviction that the continuity and unity of the Jewish people can be secured only by Torah as it is classically transmitted through the ages – by Halacha.

Let Mr. Katz keep to his political meandering where I hope he is better versed and leave halachic and spiritual values of Torah to its masters.

*Rabbi SIMON A. DOLGIN*

Jerusalem.

### **Shmuel Katz replies:**

Rabbi Dolgin has done himself a disservice. Had he waited a few days before composing his diatribe, he could have killed a number of birds with one stone. He would by then have heard of the rabbis, Ashkenazi and Sephardi – including both Ovadia Yosef

and Shlomo Goren – who endorsed precisely the view expressed by me. He could then have directed his insults at them as well.

Needless to say, he has failed to understand the implications of my reference to Rabbi Kook. He is presumably not conscious of the fact that the almost universal reverence and love for Rabbi Kook was not evoked by secular people's judgment of his halachic pre-eminence, but by their sense of his love for his people, his humanity and the compassion which moved him. Compassion is the quality most obviously lacking in the attitude towards the Jews of Ethiopia so vigorously defended by Rabbi Dolgin.

He will now no doubt have noted in wonder that it is Rabbi Kook's halachic authority that Rabbi Goren invoked in his statement on the Jewishness of the Ethiopians (*Post*, February 22).

Far be it from me to enter into a discussion with Rabbi Dolgin on Jewish values. He does, however, seem to have overlooked the historic implications of the existence of two schools of thought – of Hillel and of Shamai. He seems also to be unmoved by the Talmudic dictum, *kol hamalbin pnei haverov barabim ke'ilu shofech damim* – putting your friend to shame in public is equivalent to shedding blood – which is what he and his school of thought would have the nation of Israel do to the Jews from Ethiopia.

One must, however, applaud his sense of fun: his assumed horror at the notion of rabbis being capable of mixing religion with power politics – precisely at the moment of public exposure of the distribution of monies to yeshivot not according to the number of students, but according to the strength of their “sponsoring” political parties in the Knesset.

As for his gratuitous personal remarks about me, they do not affect me. They merely suggest that Rabbi Dolgin apparently believes that he is exempt from the dictates of veracity and from the prescription of *derech eretz*.