



# Defining 'who is a Jew' - Opinion

haaretz.com · December 11, 2013



Israelis waiting in line to receive gas masks in Haifa

If a Jew need not live in Israel, need not speak Hebrew, need not be committed to formal communal relations with other Jews, need not believe in the God of Israel and His Torah, and does not necessarily have to be the child of a Jewish mother – who then, is a Jew?

Compared to the effort to define “who is a Zionist,” defining “who is a Jew” is complex and tedious; it is a question that’s been dealt with and is still being dealt with not only by Jews, but by non-Jews of all sorts, from admirers of the Jewish people to its bitterest enemies. It seems astonishing that a people that estimates its age at some 3,200 years is still arguing about its self-definition, as if thousands of years of history haven’t sufficed to reach agreement on the matter. But if the disputes over defining a Jew, even in the Law of Return, have persisted and even

intensified, then there must be some genuine existential, political and cultural need being expressed.

Why do we need a definition at all? Before the state was established, if we had been on a trip and had entered a restaurant in the United States or Argentina or Tashkent, and the proprietor had recognized us as Jews, come over to our table, and said, "Listen, dear guests, I too, am a Jew," no one would have tried to examine on what basis he was defining himself as a Jew. No one would have wondered if his mother was Jewish or only his father, or whether perhaps some Jewish ancestor appeared to him in a dream and he thus decided to identify as a Jew. None of this would have been important to us; we might have found the very fact that he was identifying himself as a Jew acceptable and even pleasant, but it wouldn't have committed us to anything.

Or we could take a more extreme and horrific example: In the ghettos and death camps during World War II there were no few Jews who identified as Jews and were perceived and imprisoned as Jews, even though from the perspective of halakha (Jewish law) they were not considered Jews because they didn't have Jewish mothers. Would any of us dare to deduct them from the number of Holocaust victims? But if these six million were to be resurrected and would want to immigrate to Israel, at least half a million of them would be blocked by the Israeli immigration authorities, on the grounds that they aren't eligible for citizenship under the Law of Return.

Thus, before the state was established, the definition of a Jew in and of itself wasn't important to most people, other than those who were strict about questions of marriage, bastardy and burial. After all, despite the antiquity of the Jewish people, it remained small in numbers and so every addition was welcomed without too much scrutiny. But once the state was established, and especially once the Law of Return was passed, the need for a definition was vital, since a Jew, through his definition as such, obtains the right to come to Israel and become a full-fledged citizen, with all that implies. Thus, over the past generation, the serious problem of defining a Jew came to the fore.

## **Agnon's warning**

After the State of Israel was founded, its first leader, David Ben-Gurion, approached some 60 Jewish wise men – religious and secular, rabbis, philosophers and professors, leaders in Israel and the Diaspora – and asked for an answer to the question of “Who is a Jew.” The responses were many and varied, but one of them sticks out in my memory – the answer of Shai Agnon: Mr. Prime Minister, the author wrote, drop this question – it will only get you into trouble.

Agnon was right; his warning of trouble is valid to this day. But what's a prime minister to do when his government has an Interior Ministry that has to issue – or not issue – citizenship papers in accordance with the law? There's no choice but to define who is a Jew and cope with this complex issue, because there's a benefit in trying to clarify it in anticipation of the next stage awaiting us: the definition of who is an Israeli and what constitutes “Israeliness.”

Let's start by looking at the accepted halakhic definition, because at bottom it provides most of the essential data for proceeding further.

The halakhic definition, by which a Jew is a person born to a Jewish mother, seems to have crystallized at the end of the Second Temple period, when its final formula was set by the sages. (By the way, during many periods in Jewish history, the word "Israel" was more commonly used than the word "Jew.") We will analyze the definition to see what it says, and particularly what it doesn't say.

A Jew is the child of a Jewish mother, the definition states. How is the mother Jewish? Only because her mother was Jewish. And what did the grandmother do to become Jewish? Well, nothing – she was simply born to a Jewish woman. Perhaps this Jewish identity, its values and special essence, came from some ancient great-grandmother generations back? Nope. That Jewish great-grandmother was Jewish simply because she, too, was born to a Jewish mother - and so on and so on.

What is not stated in this definition? It doesn't say that a Jew has to live in the

Land of Israel to be a Jew. It doesn't say that a Jew has to speak Hebrew to be a Jew. It doesn't say that a Jew must live in a Jewish community, or that he has any obligation at all to other Jews in order to be called a Jew.

What's even more amazing is that although this is a halakhic definition, it doesn't even say that a Jew has to believe in the Torah of Moses or in God to be a Jew.

Thus, the definition is essentially a definition of peoplehood, or tribalism, using the most minimal possible basis – being born to a Jewish mother.

This means that logically it would be a mistake to include Muslims, Buddhists, Christians and Jews in one category, just as it would be a logical mistake to put Muslims, Buddhists, Christians and Norwegians in one category. The correct classification is Muslim, Buddhist, Christian and believing (or religious) Jew. Alternately, it would be logical to put an Englishman, an Argentine, a Jew and a Norwegian on the same list.

In other words, according to the halakhic definition, Jewishness is an affiliation with a people, not a religion.

Until around 200 years ago, the sages could have easily, if they had wished, defined "Jew" as a person who believes in the Torah of Moses or someone who observes the commandments. This definition would have fit more than 99 percent of the Jews who were alive until that time, anywhere in the world. But they chose not to define "Jew" that way. The halakha itself defines Jewishness as a national affiliation, not a religious one. Although this national affiliation is missing some significant and necessary national components (perhaps to leave room for observance of the 613 commandments), it is nonetheless still a national affiliation.

I argue that within a religious definition lies an inherent component of secularism, or non-religiosity. But a person born to a Jewish mother who doesn't believe in God or the Torah, and even denies any connection to the Jewish religious tradition, will still be considered a Jew in every way, even under the most stringent rendering

of halakha.

## **Emptiness**

From this we see that the first element that emerges from the halakhic definition – a Jew is the child of a Jewish mother – is emptiness. This definition provides no significant content.

So the question is then, is belonging to the Jewish people only a biological belonging? Are we talking about an ethnic group, or even a race, which can be identified by its genes, like the black race or the yellow race?

Of course not. While black cannot become white and white cannot become black, a person born of a Jewish mother can become a Christian or convert to Islam and shed his Jewish identity and move to another religion. Brother Daniel, a Holocaust survivor who converted to Christianity and lived in the Stella Maris Carmelite Monastery in Haifa, asked in Israel's Supreme Court to be registered as a Jew on his identity card, but his request was denied.

France's late Cardinal Jean-Marie Lustiger, a child of Jews who perished in the Holocaust, boasted that not only was he a Christian, he was also still a Jew. But all of France's rabbis categorically rejected his assertion. Jewishness is not a racial affiliation and thus converting to another religion cancels the person's Jewishness, even though he was born of a Jewish mother.

On the other hand, a person who was not born to a Jewish mother can join the Jewish people by converting.

During the past two thousand years of Jewish history, countless Jews left the Jewish people by converting to Christianity or Islam, and were swallowed up beyond recognition by other nations. The number of Jews at the end of the late Second Temple period is estimated at four million, while by the start of the 18th century there were only one million Jews. At the same time, people not born to a

Jewish mother were becoming Jews by conversion. One of our dynamic and nimble historians says such converts numbered in the tens of thousands.

This means that the existence or non-existence of a Jewish mother is not a required component of the definition of a Jew. The religious corridor leading to the entrance to, or exit from, the Jewish people remains dependent on a person's will, not a biological or genetic characteristic.

After the act of converting to Christianity, which means the person has left the Jewish people, there is no meaning to the question of how loyal the person is to Christianity. Transit through the Christian or Muslim corridor removes his Jewishness from him. The same is true of a person who converts and enters the Jewish people through the religious corridor and becomes part of it: There's no significance to the question of whether he is remaining loyal to the religion that converted him. Passing through the corridor is what attaches him to the Jewish people, and the moment he becomes part of it he can determine his values and beliefs (even if secular), just like any other Jew. These religious corridors are diverse. There are Orthodox and Reform corridors and there are others; now there are still other conversion corridors being planned of a national-secular nature.

## **Choice and freedom**

To summarize this section, we have identified another component in the definition of a Jew, in addition to the element of emptiness, and that's the component of choice and freedom. A Jew is a Jew because he chose to be a Jew and not because he was forced - because of biology or by some external social force, to define himself as a Jew. In many ways it's easier to stop being a Jew than to stop being an Israeli or stop being an Englishman.

I am emphasizing this point because this is what gives value to choosing a Jewish identity. No anti-Semite will determine whether a person is a Jew or not, and certainly the Nazis were not authorized to determine who is a Jew and who is not, even if for a few years they had the power to kill both Jews and non-Jews by their

insane definition. If a man who did not consider himself a Jew perished in Auschwitz, we must respect his self-definition, and not that of those who killed him in accordance with their own distorted classification.

Hence the question arises: If a Jew need not live in Israel, need not speak Hebrew, need not be committed to formal communal relations with other Jews, need not believe in the God of Israel and His Torah, and does not necessarily have to be the child of a Jewish mother – who then, is a Jew? And here is the answer, which, though problematic, is the correct one: A Jew is anyone who identifies as a Jew. That is the root; that is the essence.

If the reader thinks this anarchic definition is the fruit of a literary imagination, he ought to know that this is exactly the definition that served as the basis for the State of Israel's Population Registry in its earliest years, when it absorbed more than one million immigrants. That was the definition of "Jew" in the Israeli Population Registry Regulation (July, 1950): A person is a Jew by his own declaration (provided he is not a member of another religion).

"By his own declaration," means by his identification as such, and it's no surprise that such a definition did not disappoint as a source of pondering and confusion. In the Diaspora such a definition can exist without too many conflicts, since in any case the Jews there can associate freely with anyone and everyone. No Jew there has any control over the self-definition of another Jew, and certainly has no legal obligations toward him. But in Israel, where Jews must subject themselves to the authority of other Jews in all areas of life, this definition is problematic, and will probably remain so until the end of time.

What might save us from this immanent problem is the definition of an Israeli. Indeed, if we look up "Jew" in the Hebrew Encyclopedia, we will find to our amazement that the encyclopedia, which was edited by a religious scholar, Prof. Yeshayahu Leibowitz, has no entry for "Jew." In Volume 19, page 222, the following appears: "Jew – see Israel, People of."

And so Israel and “Israeliness” will be the next stop in our analysis (which began with “Defining Zionism,” May 21), whose aim is to find a more reasonable space for defining identities and that will allow us, to the degree possible, to achieve order and clarity.

haaretz.com  · December 11, 2013