Judaism: Nationality or a Religion?

This shiur is kindly sponsored by Sharron & Adam Cohen in honor of their daughter Celia's induction to the IDF today and in honor of the yahrtzeit of Adam's grandfather Yosef ben Moshe Hakohen

And by

Ruth and Jerry Iglicki on the occasion of the yahrtzeit of Ruth's father, Moshe Perlstein - Moshe ben Tzvi Yehuda HaKohen ע"ה

The Executive Order

Executive Order on Combating Anti- Semitism



Issued on: December 11, 2019

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. Policy. My Administration is committed to combating the rise of anti-Semitism and anti-Semitic incidents in the United States and around the world. Anti-Semitic incidents have increased since 2013, and students, in particular, continue to face anti-Semitic harassment in schools and on university and college campuses. Title VI of the Civil Rights Act of 1964 (Title VI), 42

Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. 2000d et seq., prohibits discrimination on the basis of race, color, and national origin in programs and

activities receiving Federal financial assistance. While Title VI does not cover discrimination based on religion, individuals who face discrimination on the basis of race, color, or national origin do not lose protection under Title VI for also being a member of a group that shares common religious practices. Discrimination against Jews may give rise to a Title VI violation when the discrimination is based on an individual's race, color, or national origin.

It shall be the policy of the executive branch to enforce Title VI against prohibited forms of discrimination rooted in anti-Semitism as vigorously as against all other forms of discrimination prohibited by Title VI.

Sec. 2. Ensuring Robust Enforcement of Title VI. (a) In enforcing Title VI, and identifying evidence of discrimination based on race, color, or national origin, all executive departments and agencies (agencies) charged with enforcing Title VI shall consider the following:

(i) the non-legally binding working definition of anti Semitism adopted on May 26, 2016, by the International Holocaust Remembrance Alliance (IHRA), which states, "Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals

and/or their property, toward Jewish community institutions and religious facilities"; and

- (ii) the "Contemporary Examples of Anti-Semitism" identified by the IHRA, to the extent that any examples might be useful as evidence of discriminatory intent.
- (b) In considering the materials described in subsections (a)(i) and (a)(ii) of this section, agencies shall not diminish or infringe upon any right protected under Federal law or under the First Amendment. As with all other Title VI complaints, the inquiry into whether a particular act constitutes discrimination prohibited by Title VI will require a detailed analysis of the allegations.
- Sec. 3. Additional Authorities Prohibiting Anti-Semitic Discrimination. Within 120 days of the date of this order, the head of each agency charged with enforcing Title VI shall submit a report to the President, through the Assistant to the President for Domestic Policy, identifying additional nondiscrimination authorities within its enforcement authority with respect to which the IHRA definition of anti-Semitism could be considered.
- <u>Sec. 4.</u> <u>Rule of Construction.</u> Nothing in this order shall be construed to alter the evidentiary requirements pursuant to which an agency makes a determination that conduct, including harassment, amounts to actionable discrimination, or to diminish or infringe upon the rights protected under any other provision of law.

Sec. 5. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

- (i) the authority granted by law to an executive department or agency, or the head thereof; or
- (ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.
- (b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.
- (c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

DONALD J. TRUMP

1. Trump's Executive Order Has Firm Legal Grounding, NY Times Opinion Dec 12 2019, By Daniel Hemel Mr. Hemel is an assistant professor at the University of Chicago Law School and a visiting professor at Harvard Law School.

Fast-forward to 1982, when Shaare Tefila, a synagogue in Silver Spring, Md., was spray-painted with swastikas, Ku Klux Klan symbols and other anti-Semitic messages. The synagogue and several members responded by suing those who had vandalized their house of worship. The plaintiffs cited the Civil Rights Act of 1866, which applies to racial discrimination. They argued that even though Jews are not a racially distinct group, the vandals viewed Jews as a distinct race and were motivated by racial animus.

The <u>case</u> ultimately reached the Supreme Court, which voted unanimously in the synagogue's favor. "[T]he question before us is not whether Jews are considered to be a separate race by today's standards," Justice Byron White wrote, "but whether, at the time [the statute] was adopted, Jews constituted a group of people that Congress intended to protect." The justices concluded that Jews fell within the statute's scope. Jewish groups <u>cheered</u> the ruling.

...

The idea of Jewishness as a nationality presents similar problems. The Hebrew Bible speaks of Jews as the "nation of Israel" and "a holy nation," and Jews across the world share cultural, linguistic and historical as well as religious bonds. But the notion of nationhood in the Hebrew Bible and later Jewish thought is not the same as the modern conception of nations as territorially bounded political entities. Jews do not fit neatly into categories of "race," "religion" and "national origin" that took their present shape millenniums after the Jewish people came into existence.

The nuances of Jewish identity and experience do not, however shield Jews from attackers who see Jews as a nation apart. Jews can suffer national-origin discrimination regardless of whether Jewishness is a nationality.

Bigots, to be sure, have deployed ideas of Jews as a race and a nation to justify Jewish exclusion and — in the case of Nazi Germany — Jewish extermination. False notions of African racial distinctiveness have been harnessed for horrific ends as well. These facts do not mean, though, that Jews or African-Americans should be read out of federal statutes that protect individuals from discrimination on the basis of race and national origin.

The Birth of Monotheism

Land and Nation

2. Bereishis 12:1-2

ַוַיֹּאמֶר ה׳ אֶל־אַבְרָָם לֶדְ־לְךֶ מֵאַרְצְךֶ וּמִמְוֹלַדְתְּךֶ וּמִבֵּּית אָבִידָ אֶל־הָאָרֶץ אֲשֶׁר אַרְאָדָ:

The LORD said to Abram, "Go forth from your native land and from your father's house to the land that I will show you.

ָוְאָעֶשְׂרֶ לְגַוֹי גָּדֹוֹל וַאֲבָּרֶכְרֶ וַאֲגַדְּלָה שְׁמֶךְ וֶהְיָה בְּרָכָה:

I will make of you a great nation, And I will bless you; I will make your name great, And you shall be a blessing.

3. Bereishis 15:18-21

בַּיּוֹם הַהֹּוּא כַּרָת ה׳ אֶת־אַבְרֶם בְּרָית לֵאמֻר לְזַרְאַבְ נָתַׂתִּיּ אֶת־הָאָרֶץ הַזֹּאת מִנְּהַר מִצְבַּיִם עַד־הַנָּהָר הַגָּדְּל נָהַר־פָּרַת:

On that day the LORD made a covenant with Abram, saying, "To your offspring I assign this land, from the river of Egypt to the great river, the river Euphrates:

אֶת־הַקּינִי וְאֶת־הַקְנִיֹּי וְאֶת הַקּדְמֹנְי:

the Kenites, the Kenizzites, the Kadmonites,

ָואַת־הַחָתִּי וְאֵת־הַפָּרָזִי וְאֵת־הַרְפַּאִים:

the Hittites, the Perizzites, the Rephaim,

ָואַת־הַאֲמֹרְיּ וְאֶת־הַכְּנַעֲנִי וְאֶת־הַגּּרְגַּשִׁי וְאֶת־הַיִבוּסִי: (ס)

the Amorites, the Canaanites, the Girgashites, and the Jebusites."

4. Kuzari, Maamar 95

Whilst since Adam only isolated individuals had been inspired till then. Adam was perfection itself, because no flaw could be found in a work of a wise and Almighty Creator, wrought from a substance chosen by Him, and fashioned according to His own design....

We call him God's son, and we call all those who were like him also sons of God. He left many children, of whom the only one capable of taking his place was Abel, because he alone was like him. After he had been slain by Kain through jealousy of this privilege, it passed to his brother Seth, who also was like Adam, being [as it were] his essence and heart, whilst the others were like husks and rotten fruit. The essence of Seth, then, passed to Enosh, and in this way the divine influence was inherited by isolated individuals down to Noah. They are compared to the heart; they resembled Adam, and were styled sons of God. They were perfect outwardly and inwardly, their lives, knowledge and ability being likewise faultless. Their lives fix the chronology from Adam to Noah, as well as from Noah to Abraham. There were some, however, among them who did not come under divine influence, as Terah, but his son Abraham was the disciple of his grandfather Eber, and was born in the lifetime of Noah. Thus the divine spirit descended from the grandfather to the grandchildren. Abraham represented the essence of Eber, being his disciple, and for this reason he was called Ibri. Eber represented the essence of Shem, the latter that of Noah. He inherited the temperate zone, the centre and principal part of which is Palestine, the land of prophecy. Japheth turned towards north, and Ham towards south. The essence of Abraham passed over to Isaac, to the exclusion of the other sons who were all removed from the land, the special inheritance of Isaac. The prerogative of Isaac descended on Jacob, whilst Esau was sent from the land which belonged to Jacob. The sons of the latter were all worthy of the divine influence, as well as of the country distinguished by the divine spirit. This is the first instance of the divine influence descending on a number of people, whereas it had previously only been vouchsafed to isolated individuals. Then God tended them in Egypt, multiplied and aggrandised them, as a tree with a sound root grows until it produces perfect fruit, resembling the first fruit from which it was planted, viz. Abraham, Isaac, Jacob, Joseph and his brethren. The seed further produced Moses, Aaron and Miriam, Bezaleel, Oholiab, and the chiefs of the tribes, the seventy Elders, who were all endowed with the spirit of prophecy; then Joshua, Kaleb, Hur, and many others. Then they became worthy of having the divine light and providence made visible to them.

אַחַר שֶׁלֹּא הָיָה חָל הָענְיָן הָאֶלֹהִי כִּי אָם בִּיחִידִים מִבְּנֵי אָדָם אַחַר אָדָם הָרִאשׁוֹן, כִּי אָדָם הָיָה שָׁלֵם מִבְּלְתִּי הְּנָאי,

וּכָבַר נַקרַא אָצַלֵנוּ בַּן־אַלהִים, וְכַל הַדּוֹמִים לוֹ מְזַרְעוֹ – בָּנִי אֵלֹהִים. וְהוֹלִיד בַּנִים רַבִּים וְלֹא הַיָה מֵהֶם רַאוּי לְהִיוֹת בְּמִקוֹם אַדַם אֵלָּא הֵבֶל, כִּי הוּא הָיָה דוֹמֶה לוֹ. וְכַאֲשֵׁר הַרָגוֹ קַיָן אַחִיו מִפָּנֵי קִנָאַתוֹ בוֹ עַל הַמַּעֵלָה הַזֹּאת, נַתַן לוֹ תַחָתִּיו שֶׁת, וְהָיָה דוֹמֶה לְאַדָם, וְהָיָה סְגַלָּה וַלֶב וְזוּלֶתוֹ כָקַלִיפָּה. וּסְגַלַת שֻׁת אֲנוֹשׁ. וְכֵן הִגִּיעַ הַעְנָיַן עַד נֹחַ: בָּיחִידִים הַיוּ לָבַבוֹת, דּוֹמִים לְאַדֶם וַנְקָרַאִים בָּנֵי אֵלהִים, שֶׁלֶמִים בְּבָרִיאַתֵם וּבְמִדּוֹתֵם וּבַאַרִיכוּת הַיַּמִים וּבְחַכְמוֹת וּבִיכֹלֶת, וּבִימֵיהֶם אַנוּ מוֹנִים מֵאָדֵם וְעַד נֹחַ וְכֵן מִנֹּחַ וְעַד אַבָּרָהַם. וְאֵפְשַׁר שֶׁהַיָה מֶהֶם מִי שֵׁלֹא דָבַק בּוֹ הַעִנְיַן הָאֱלֹהִי כָתֵרַח, אֲבָל אַבְרָהַם בְּנוֹ הָיָה תַּלְמִיד לַאֲבִי אַבִיו עֲבֵר, וְעוֹד – שֵׁהִשִּׂיג נֹחַ בִּעַצְמוֹ. וְהַיָה הַעִנָין הָאֱלֹהִי דַבֶק בָּהֶם מֶאֲבוֹת אֲבוֹתָם אֵל בְּנֵי בַנִים. וְאַבְרָהַם סִגֻּלַת עֲבֶר וְתַלְמִידוֹ וְעֵל כֵּן נִקְרֵא עִבְרִי, וְעֵבֵר הַיָה סִגַּלַת שֵׁם וְשֵׁם הָיָה סְגֻלַת נֹחַ, מִפְּנֵי שֶׁהוּא יוֹרֵשׁ הָאַקּלִימִים הַשַּׁוִים אֲשֵׁר אָמְצַעִיתָם וְחֵמְדַּתָם אֶרֵץ כִּנַעַן אַדִּמַת הַנְּבוּאָה, וַיֵּצֵא יֵפֶת אַל צַפּוֹן וְחָם אֵל דַּרוֹם. וּסְגַלַת אַבְרָהַם מִכַּל בַּנָיו – יִצְחַק, וְהַרְחִיק כַּל בַּנַיו מֵהָאָרֵץ הַזֹּאת הַמִּסְגֵּלֵת כְּדֵי שַׁתָּהְיֵה מִיָחֶדֶת לִיצִחָק, וּסְגֻלַּת יִצְחַק – יַעֲקֹב, וְנִדְחַה עשׁו אַחִיו מִפּנֵי שׁזַּכָה יַעַקֹב בָּאָרֵץ הַהִּיא, וּבְנֵי יַעַקֹב כַּלָּם סָגַלָּה, כַּלָּם רְאוּיִים לָעִנָיַן הָאֱלֹהִי, וְהָיַה לָהֵם הַמַּקוֹם הַהוּא הַמִּיָחָד בַּעִנָין הָאֵלֹהִי, וְזֵה הַיָה תִחְלַּת חוּל הַעִנָין הָאֵלֹהִי על קהַל, אַחַרִי אַשֶּׁר לֹא הַיָה נִמְצֵא כִּי אָם בִּיחִידִים. וַיִּשָׁמְרֵם הָאֱלֹהִים וַיַּפָּרֵם וַיַּרְבֵּם וַיִּגַדְלַם בִּמְצְרַיִם, כַּאֲשֵׁר יָגַדַל הָאִילָן אֲשֶׁר שַׁרְשׁוֹ טוֹב, עַד שֵׁהוֹצִיא פָּרִי שַׁלֶם דּוֹמֵה לַפַּרִי הַראשון אָשֶׁר נְטַע מִמֵנוּ, רְצוֹנִי לוֹמֵר: אַבְרָהַם יִצְחַק וַיַעֲקֹב וְיוֹסֵף וְאָחֵיוּ, וְהָיָה מְן הַפְּרִי משֶׁה וְאָהַרֹן וּמְרָיַם, וּכִמוֹ בִּצַלְאֵל וְאָהֶלִיאָב וּכִמוֹ רַאשִׁׁי הַמַּטוֹת וְשָׁבִעִים הַזְּקֵנִים אֲשֶׁר הַיוּ רְאוּיִים לְנָבוּאָה מַתִּמֵדֵת, וְכִיהוֹשָׁעַ וְכָלֵב וְחוּר וְזוּלָתֵם רַבִּים. וְאַז הָיוּ רְאוּיִים

לָהֶרָאוֹת הָאוֹר עֲלֵיהֶם וְהַהַשְׁנֻּחָה הַהִיא הַרְבּוֹנִית

Why was Avraham Chosen?

5. Derech H' II:4:4-5

[אַבְרָהָם נִבְחַר לִּהְיוֹת שֹׁרָשׁ לְאֲנוֹשׁוּת בְּמִדְרַנָּתָה הָעֶלְיוֹנָה]

וְאָמְנְם נִמְצְאוּ כָּלָם לְפִי הַמִּשְׁפָּם הָעֶלְיוֹן, רְאוּיִים לִשְּׁאֵר בְּמִדְבֵּת הָאֶנוֹשִׁית הַשְּׁפָלָה שֶׁהִנִּיעוּ לָה אָדָם הָרִאשוֹן וְתוֹלְדוֹתִיו מִפְּנֵי הַחֵּמְא, וְלֹא נְבוֹהִים מְזֶּה בְּלֵל. וְאַבְּרָהָם לְבַדּוֹ נִבְחַר בְּמַעֲשָׁיו וְנִתְעַלְּה, וְנִקְבַע לִהְיוֹת אִילָן מְעַלֶּה וְיָקֶר, בְּלֵל. וְאַבְּרָהָם לְבַדּוֹ נִבְחַר בְּמַדְבֹיְתוֹ הָעֶלְיוֹנָה 201 (נְתַּן לוֹ לְהוֹצִיא עֲנָפִיו בְּפִי חֻקּוֹ. בְּפִי מְצִיאוֹת בְּשָׁבְּלוּתוֹ, וְיִשְּׁרָאֵל בְּבְחִינֵת הָאֱנוֹשִׁיוּת בְּעִלְיוֹיוֹנָה 201 לְפִים בְּמִרְנִים אָמוֹת, כָּל אַחַת מֵהֶם בְּמַדְבִגְה יְדוּעָה, אֲבָל כַּלְּם בְּבְּחִינָת הָאֲנוֹשִׁיוּת בְּעִלְיוֹיוֹנִית בְּשָּבְלוּתוֹ, וְיִשְּׂרָאֵל בְּבְחִינֵת הָאֲנוֹשִׁיוּת בְּעִלְיוֹיוֹנִינּת הָאֶנוֹשִׁיוּת בְּעִלְּיוֹיוֹנִינּת הָאֶנוֹשִׁיוּת בְּעָבְים, בְּלְּאִרְיִה הְיִבְּרְבִּתְ הְבְּרִים בְּעָבְפִים, בְּל אָחָד לְפִי בְּרִינִים שְׁנָה, נְבְּבְלוּתוֹ, וְנִבְיוֹ בְּבְּרִים שְׁנָבִינוּ עַהְה וְעִנְיֵן הַוָּה נִבְּרִים שְׁנָה, בְּעָבְפִים, בְּלְנִיה הָיְה הַוְּמְן שֶׁרְשֵׁי הָאֶנוֹשִׁיוּת, וְנִנְיוֹ הַוְּבְּרִים בְּבְּחִינִם שְׁה, נִבְּבְר בְּפִי הַמְּשְׁבָּם, וְהִתְחִיל וְמֵן אַחֵר שָׁהוּא זְמֵן זְבִּי הָבִים בְּבְּית הַבְּבְי הַבְּיִב בְּבְי הַבְּבְית הַבְּבְר בְּפִי הַמְשְׁבָּם, וְהִתְחִיל וְמֵן אַחֵר שָׁהוּא זְמַן זְיֹן זְם, נִבְּי הַבְּבְר בְּפִי הַמְשְׁבָּם, וְהִתְחִיל וְמֵן אַחֵר שָׁהוֹן בִּע תִרָּב בִּעְבְיִב בְּבְּבְר בְּפִי הַבְּשִּבְּי הַבְּי הַעְּבִין וְחִין אָחִין וְבִין עָתָן זְיִם עְּבִי בִּבְּר בְּבְּי הַבְּי הַבְּיִי הַמְשְׁבְּי הִיִּים בְּעִבְים בְּבִּי הַוֹּבְי הִבְים בְּבְּי הַבְּבְי הִים בְּבְּי הַבְּי הַבְּי הַבְּיִבּים בְּיִבּים בְּי הַבְּי הַבְּי הַבְּי הַבְּי בִּי מִין בִּין עִבּי בִּי מִבְי בִּבְּי הִיוֹן בִּי בִּי בִּי בִּי בִּי בִּי בִּי בִי בְּיִים בְּבִּי בִּי בְּבְי בִּבְּי בִּי בְּבִי בִּי בְּי בְּי בְּיִבְּי בְּיִבְים בְּבְי בְּיִים בְּיִבְים בְּיִים בְּבִי בְּי בְּבְיִים בְּבִּי בְּבִי בְּיִבְיּים בְּיִים בְּיִּים בְּיִים בְּיִים בְּיִים ב

עֲשָׂיַת אַבְרָהָם אָב לַגַרִים

ד. וּמֵרֹב מוּבוֹ וְחַסְדּוֹ יִתְבָּרַדְ, נָזַר וְנָתַן מָקוֹם אֲפָלּוֹ לְעַנְפֵּי שְׁאָר הָאָמּוֹת, שֶּׁבְּבְּחִירָתְם וּמֵעֲשֵׂיהֶם יַעַקְרוּ עַצְמָם מִשְּׁרְשָׁם, וְיִכְלְלוּ בַּעֲנָפְיוֹ שֶׁל אַבְרָהָם אָבִינוּ ע״ה אם יִרְצוּ. וְהוּא מֵה שֶׁעֲשָׂהוּ יִתְבָּרַדְ שְׁמוֹ לְאַבְרָהָם אָב לֵגֵרִים 200, וְאָמֵר לוֹ: וְנִבְּרְכוּ בְּדְּ כְּל מִשְׁפְחוֹת הָאֲדְמָה (בראשית ב.יג). וְאוּלְם אם לֹא יִשְׁתַּדְלוּ בָּזֶה, יִשְּׁאֲרוּ תַחַת אִילְנוֹתֵיהֶם הַשְּׁרְשִׁיִּים בְּפִי עַנִינִם הַמִּבְעִי.

Nation of Priests

6. Shmos 19:6

ָוְאַתָּם תִּהְיוּ־לֶי מַמְלֶכֶת כּהֲנִים וְגַוֹי קָדָוֹשׁ אֻלֶּה הַדְּבַּרִים אֲשֶׁר תְדַבָּר אֶל־בְּנֵי יִשְׂרָאָל:

but you shall be to Me a kingdom of priests and a holy nation.' These are the words that you shall speak to the children of Israel."

7. Seforno, ad loc.

ואתם תהיו לי ממלכת כהנים ובזה תהיו סגולה מכלם כי תהיו ממלכת כהנים להבין ולהורות לכל המין האנושי לקרוא כלם בשם ה', ולעבדו שכם אחד, כמו שיהיה ענין ישראל לעתיד לבא, כאמרו ואתם כהני ה' תקראו וכאמרו כי מציון תצא תורה:

What does a nation mean in Judaism?

8. Ksav Vehakabalah, Bereishis 25:23

The Movement from Nation to Religion

The Name Jew: Galus Bavel

9. Netzach Yisrael, Maharal 8

הב׳, כי קצר מצע האחדות מלהשתרע שם השניות¹״. ולפיכך קאמר שהאחד נפל על השני ותבר ידיה, מפני שאי אפשר אל הרבוי שיהיה במקום שהוא אחד²״, והאחד מבטל כח השני, כמו שמבטל כח המים את כח האש כאשר יבוא המים על האש. ולכך תבר ידו, שהיד הוא כחונ׳״. ולכך נמצא כתוב על היד ׳אנת בעי לאחרובי ביתי וידך אשלימית ליה׳, כלומר שבכוחך אתה רוצה להחריב את ביתי.

והרי כוחך נמסר אלי, שנשבר גאון עוזך. וזה שאמר כי נפל האחד על השני, כי האחר עצמו מבטל השני, כאשר אי אפשר שיהיו שם כוחות שנים⁷⁴. והבן הדברים האלו מאוד.

וקאמר בט' באב שבכו בכיה של חנם, והקרוש ברוך הוא קבע אותם בכיה לדורות. ענין זה עמוק מאוד מאוד, כי כאשר הוציאם מארץ מצרים, הוציאם[⊙] על מנת לתת להם הארץ ⁷⁵. ואילו כאו אותם

שיצאו ממצרים אל הארץ, היו עומדים שם לעולם בארץ. ודבר זה בארנו בחבור גבורות ה' בכמה מקומות ל', כי היציאה של מצרים היא נצחית, כי עדיין מחמת אותה היציאה אנחנו אל השם יתברך אשר הוציאנו ממצרים לארץ מעשה אחד, ממצרים וביאתם לארץ מעשה אחד, דהיינו שאותו הדור שיצאו ממצרים באו אל הארץ, כאילו היה מעשה אחד היציאה ממצרים והכניסה לארץ. כי השם יתברך ממצרים והכניסה לארץ. כי השם יתברך הוציאנו ממצרים להכניס אותנו אל הארץ,

[ו]כשם שהיציאה היא מקוימת נצחית, כך היה נצחי ביאתם אל הארץ, ולא היה בטול לעולם. לעולם. וכשביל שבכו בכיה של חנם, ולא רצו לכנוס לארץ, ונשבע הקדוש ברוך הוא שלא יביא אותו דור אל הארץ? רק דור אחר?, ואז היה נחלק היציאה ממצרים מן הביאה אל הארץ, ולא היה מעשה אחד. ודוקא היציאה היא נצחית, מטעם אשר בארנו בחבור גבורות ה' (פנ"כ) באריכות, שהיתה על ידי נסים ונפלאות יוצאים ממנהגו של עולם, לכך היא נצחית!. ולא

של חנם, ומאסו בארץ חמדה (ססליס קו, נדבר זה נקבע להם בכיה לדורות, שהיה גורם שגלו מן הארץ. כי הבכיה שהיו בוכים מורה שאין הארץ שייך להם לגמרי, כי חן מקום על יושביה (סועס מו.)35, וכל דבר משתוקק למקומו שהוא טבעי לו. והם בכו, וזה מורה כי אין הארץ שלהם לגמרי, ולכך גלו. ודבר זה מבואר מאד65. ודוקא היה תולה בדור שיצאו ממצרים 55, כי התחלת ועיקר ישראל הוא

כן ביאתם אל הארץ⁸², ודבר זה יש לו בטול והפסק⁸³.

ועוד, כי כל הדברים הטבעים משתוקקים אל מקומם הטבעי⁸. ואם היה הארץ לישראל מקום טבעי, והיו משתוקקים אל הארץ, היה נשאר זה נצחי. אבל היה כאן ההפך, שבכו בכיה של חנם, ולא רצו לבוא אל הארץ. לכן מורה זה שאין הארץ מקום הטבעי לישראל, ולכך לא היו נשארים שם. וזה שאמר שהיו בוכים בכיה נשארים שם. וזה שאמר שהיו בוכים בכיה

10. Vayikra 26:36-37

לו וְהַנִּשְאָרִים בָּכֶם--וְהֵבֵאתִי מֹרֶךְ בִּלְבָבָם, בְּאַרְצת איְבֵיהֶם; וְרָדַף אֹתָם, קוֹל עָלֶה נִדָּף, וְנָסוּ מְנֻסַת-חֶרֶב וְנָפְלוּ, וְאֵין רֹדֵף.

36 And as for them that are left of you, I will send a faintness into their heart in the lands of their enemies; and the sound of a driven leaf shall chase them; and they shall flee, as one fleeth from the sword; and they shall fall when none pursueth.

לז וְכָשְלוּ אִיש-בְּאָחִיוּ כְּמִפְּנֵי-חֶרֶב, וְרֹדֵף אָין; וְלֹא-תִהְיֶה לָכֶם תְּקוּמָה, לִפָּנֵי אִיבֵיכֵם. 37 And they shall stumble one upon another, as it were before the sword, when none pursueth; and ye shall have no power to stand before your enemies.

11. Sifra, Bechukosai 2:5

וכשלו איש באחיו אינו אומר איש באחיו אלא איש בעון אחיו, מלמד שכל ישראל ערבים זה בזה

12.**Spinoza**, Theologico-Political Treatise V:2

But with regard to the ceremonial observances which were ordained in the Old Testament for the Hebrews only, and were so adapted to their state that they could for the most part only be observed by the society as a whole and not by each individual, it is evident that they formed no part of the Divine law, and had nothing to do with blessedness and virtue, but had reference only to the election of the Hebrews, that is (as I have shown in Chap. II.), to their temporal bodily happiness and the tranquillity of their kingdom, and that therefore they were only valid while that kingdom lasted.

13. Yechezkel 20:32

לב וְהָעלָה, עַל-רוּחֲכֶם--הָיוֹ, לֹא תִהְיֶה: אֲשֶׁר אַתֶּם אֹמְרִים, נִהְיֶה כַּגּוֹיִם כְּמִשְׁפְּחוֹת הָאֲרָצוֹת--לְשָׁרֵת, עֵץ וָאָבֶן.

32 and that which cometh into your mind shall not be at all; in that ye say: We will be as the nations, as the families of the countries, to serve wood and stone.

14. Talmud Bavli, Sanhedrin 105a

אמרו לו: עבד שמכרו רבו, ואשה שגרשה בעלה, כלום יש לזה על זה כלום

15. Talmud Bavli, Baba Basra 60b ומיום שפשטה מלכות הרשעה, שגוזרת עלינו גזירות רעות וקשות, ומבטלת ממנו תורה ומצות, ואין מנחת אותנו ליכנס לשבוע הבן, ואמרי לה: לישוע הבן, דין הוא שנגזור על עצמנו שלא לישא אשה ולהוליד בנים, ונמצא זרעו של אברהם אבינו כלה מאליו.

16. Rav Shimshon Refael Hirsch, Collected Writings II page 221

גם בחוקים האזרחיים והדתיים של יתר העמים, שאין קצבה למספרם, קשה למצוא אחידות ונקודה משותפת. כשם שכל מדינה משונה מחברתה בטיב האדמה הנושאת אותה, הרקיע הפרוש ממעל לראשה, מזג האויר השורר בתחומיה וכן תכונתם הרוחנית והלשונית של יושביה, כן גם נפרדות מדינה אחת מן השניה בחוקים ובמנהגי החיים והחברה. חוקיו ואליליו של כל עם, נובעים מתוך פנימיות תכונותיו הנפשיות וצרכיו המיוחדים. לפיכך טבעי הדבר שהוא גם מחליפם וממירם, כדרך שהוא עצמו משתנה במרוצת הדורות. הוה אומר את האחידות וקו האופי המשותף בין כל העמים, להוציא את עם ישראל, יש לראות דוקא בשינויים ובתמורות הללו, כי על כן שווים המה כל חוקי העמים, אם לא בניסוח החיצוני שלהם, הרי בודאי במהותם הפנימית, במטרתם האחידה ובמובן הזהה שיש לייחס. להם מתוך ראיה נכונה

לא כן החוק היהודי, שהוא אחר ושונה מכל החוקים שינוי מהותי. בנוהג שבעולם מוצאו של כל חוק נובע מן העם, ואילו בישראל הדבר להיפך, העם נובע כתוצאה מן החוק האלקי, חוק התורה הוא העושה אותנו לעם. בכל אומה ולשון החוק והדת כאמצעים לפיתוח חיי הפרט והכלל, בעוד שאצל העם היהודי אין הפרט והכלל רואים תכלית ...כלשהי לעצמם כי אם בקיום החוק

Rabbinic Judaism

17. Talmud Bavli, Gittin 56b

אמר ליה מיזל אזילנא ואינש אחרינא משדרנא אלא בעי מינאי מידי דאתן לך אמר ליה תן לי יבנה וחכמיה ושושילתא דרבן גמליאל ואסוותא דמסיין ליה לרבי צדוק קרי עליה רב יוסף ואיתימא רבי עקיבא (<u>ישעיהו מד, כה</u>) משיב חכמים אחור ודעתם יסכל איבעי למימר ליה לשבקינהו הדא זימנא

Vespasian then said to Rabban Yoḥanan ben Zakkai: I will be going to Rome to accept my new position, and I will send someone else in my place to continue besieging the city and waging war against it. But before I leave, ask something of me that I can give you. Rabban Yoḥanan ben Zakkai said to him: Give me Yavne and its Sages and do not destroy it, and spare the dynasty of Rabban Gamliel and do not kill them as if they were rebels, and lastly give me doctors to heal Rabbi Tzadok. Rav Yosef read the following verse about him, and some say that it was Rabbi Akiva who applied the verse to Rabban Yoḥanan ben Zakkai: "I am the Lord...

Who turns wise men backward and makes their knowledge foolish" (<u>Isaiah 44:25</u>), as he should have said to him to leave the Jews alone this time.

18. Talmud Bavli, Brachos 8a

אמר ליה הכי אמר רב חסדא מאי דכתיב אהב ה' שערי ציון מכל משכנות יעקב אוהב ה' שערים המצויינים בהלכה יותר מבתי כנסיות ומבתי מדרשות

Rafram said to him, Rav Ḥisda said as follows: What is the meaning of the verse: "The Lord loves the gates of Zion [Tziyyon] more than all the dwellings of Jacob" (Psalms 87:2)? This means that the Lord loves the gates distinguished [metzuyanim] through the study of halakha as they are the gates of Zion, the outstanding gates, more than the synagogues and study halls. Although those places are the most outstanding of the dwellings of Jacob, they are not engaged in the study of halakha.

והיינו דאמר רבי חייא בר אמי משמיה דעולא מיום שחרב בית המקדש אין לו להקדוש ברוך הוא בעולמו אלא ארבע אמות של הלכה בלבד

And this concept, that *halakha* is the most sublime pursuit, is expressed in that which **Rabbi Ḥiyya bar Ami** said in the name of Ulla: Since the day the Temple, where the Divine Presence rested in this world, was destroyed, the Holy One, Blessed be He, has only one place in His world where he reveals His presence exclusively; only the four cubits where the study of *halakha* is undertaken.

19. A History of Israel, John Bright page 416

But this redefinition of Israel meant inevitably the emergence of a religion in which law was central. This betokened, let it be repeated, no break with Israel's ancient faith, all the major features of which continued in force, but a radical regrouping of that faith about the law. The law no longer merely regulated the affairs of an already constituted community; it had created the community! As the community's organizing principle and line of demarcation, law assumed ever greater importance. Originally the definition of action on the basis of covenant, it became itself the basis of action, virtually a synonym for covenant and the sum and substance of religion. The cult was regulated and supported by the law; to be moral and pious was to keep the law; the grounds of future hope lay in obedience to the law. It was this consistent stress on the law which imparted to Judaism its distinctive character.

The second consequence of the final failure of state Judaism was a profound change in the nature and scope of Jewish activities. From 70 AD, and still more so after 135 AD, Judaism ceased to be a national religion in any physical and visible sense, and the Jews were depatriated. Instead, both Jewry and Judaism became coextensive with the study and observance of the Torah. It is difficult to fit Jewish history into any general taxonomy of national and religious development because it is a unique phenomenon. Indeed, the historian of the lews is constantly faced with the problem of categorizing a process of which there is no other example anywhere. The concentration of Judaism and the Jewish nation on the Torah had proceeded steadily since the last phase of the Davidic kingdom. The reforms of Josiah, the Exile, the Return from Exile, the work of Ezra, the triumph of the Maccabees, the rise of Pharisaism, the synagogue, the schools, the tabbis - all these developments in turn had first established, then progressively consolidated, the absolute dominance of the Torah in Jewish religious and social life. It had, in so doing, emasculated the other institutions of Judaism and Jewry. After 135, its rule became complete because there was nothing else left. The rigorists, partly by design, partly by the catastrophes they had provoked, had driven everything else out

The Movement back to Nation

21. Gra, Tzafna Detziuasa, Likutim 10

הבחיי אלא שהן אחורים דאחוריים ואינן מצחצחים. לכן מדברים דרך משל ואינן מבינין כלל. כי יחזקאל אמר בדרך חידה שהיה בחייל ובסוף הבית, וזכריה מראות סתומות, ואין אתנו יודע עד מה עד יערה רוח ממרום עלינו. כי מעת שחרב הבית יצאה רוחינו עטרת ראשינו ונשארנו רק אנחנו הוא גוף שלה בלא נפש. ויציאה לחייל הוא הקבר ורימה מסובבת עלינו ואין בידינו להציל הן עכויים האוכלים בשרינו ומיימ היו חבורות וישיבות גדולות עד שנרקב הבשר והעצמות נפזרו פיזור אחר פיזור. ומיימ היו עדיין העצמות קיימות שהן התייח שבישראל מעמידי הגוף עד שנרקבו העצמות ולא נשאר אלא תרווד רקב מאתנו ונעשה עפר, שחה לעפר נפשינו. ואנחנו מקוין עתה לתחית המתים, התנערי מעפר קומי כוי (ישעיה ניב) ויערה רוח ממרום עלינו.

22. Yechezkel 37:3-12

ג וַאֹּבֶּר, הָאַדָם, הַתִּחְיֶינָה הָאַצָּמוֹת הָאֵלֶּה; וְאֹמֵר, אַלִי--בֶּן-אָדָם, הַתִּחְיֶינָה הָאַצָּמוֹת הָאֵלֶּה; וְאֹמֵר. 3 And He said unto me: 'Son of man, can these bones live?' And I answered: 'O Lord GOD, Thou knowest.'

ד וַיֹּאמֶר אֵלַי, הַנָּבֵא עַל-הָעֲצָמוֹת הָאֵלֶה; וְאָמַרְתָּ אֲלֵיהֶם הָעֲצָמוֹת הַיְבַשׁוֹת, שִׁמְעוּ דְּבַר-יְהוָה.	4 Then He said unto me: 'Prophesy over these bones, and say unto them: O ye dry bones, hear the word of the LORD:
ה כֹּה אָמַר אֲדֹנָי יְהוָה, לָעֲצָמוֹת הָאֵלֶּה: הִנֵּה אֲנִי מֵבִיא בָּכֶם, רוּחַוִחְיִיתֶם.	5 Thus saith the Lord GOD unto these bones: Behold, I will cause breath to enter into you, and ye shall live.
וֹ וְנָתַתִּי עֲלֵיכֶם גִּידִים וְהַעֲלֵתִי עֲלֵיכֶם בָּשָׂר, וְקָרַמְתִּי עֲלֵיכֶם עוֹר, וְנָתַתִּי בָּכֶם רוּחַ, וְחְיִיתֶם; וִידַעְתֶּם, כִּי-אֲנִי יְהוָה.	6 And I will lay sinews upon you, and will bring up flesh upon you, and cover you with skin, and put breath in you, and ye shall live; and ye shall know that I am the LORD.'
ז וְנִבֵּאתִי, כַּאֲשֶׁר צֵוַיתִי; וַיְהִי-קוֹל כְּהִנָּבְאִי, וְהִנֵּה-רַעַשׁ, וַתִּקְרְבוּ עֲצָמוֹת, עֶצֶם אֶל-עַצְמוֹ.	7 So I prophesied as I was commanded; and as I prophesied, there was a noise, and behold a commotion, and the bones came together, bone to its bone.
ח וְרָאִיתִי וְהָגַּה-עֲלֵיהֶם גִּדִים, וּבָשֶׂר עָלֶה, וַיּקְרַם עֲלֵיהֶם עוֹר, מִלְמָעְלֶה; וְרוּחַ, אֵין בָּהֶם.	8 And I beheld, and, lo, there were sinews upon them, and flesh came up, and skin covered them above; but there was no breath in them.
ט וַיֹּאמֶר אֵלַי, הָנָבֵא אֶל-הָרוּחַ; הָנָבֵא בֶּן-אָדָם וְאָמַרְתָּ אֶל-הָרוּחַ {ס} כֹּה-אָמֵר אֲדֹנָי יְהוִה, מֵאַרְבַּע רוּחוֹת בּאִי הָרוּחַ, וּפְחִי בַּהֲרוּגִים הָאֵלֶה, וְיִחְיוּ.	9 Then said He unto me: 'Prophesy unto the breath, prophesy, son of man, and say to the breath: {S} Thus saith the Lord GOD: Come from the four winds, O breath, and breathe upon these slain, that they may live.'
י וְהַנַּבֵּאתִי, כַּאֲשֶׁר צָנָני; וַתָּבוֹא בָהֶם הָרוּחַ וַיִּחְיוּ, וַיּעַמְדוּ עַל-רַגְלֵיהֶםחַיִל, גָּדוֹל מְאד-מְאֹד.	10 So I prophesied as He commanded me, and the breath came into them, and they lived, and stood up upon their feet, an exceeding great host.
יא וַיֹּאמֶר, אֵלַי, בֶּן-אָדָם, הָעֲצָמוֹת הָאֵלֶה כָּל-בֵּית יִשְׂרָאֵל הַמָּה; הָנָּה אֹמְרִים, יָבְשׁוּ עַצְמוֹתֵינוּ וְאָבְדָה תִקְּוְתֵנוּ נִגְזִרְנוּ לָנוּ.	11 Then He said unto me: 'Son of man, these bones are the whole house of Israel; behold, they say: Our bones are dried up, and our hope is lost; we are clean cut off.
יב לָכֵן הָנָבֵא וְאָמַרְתָּ אֲלֵיהֶם, כֹּה-אָמַר אֲדֹנָי יְהוִה, הִנַּה אֲנִי פֹתֵחַ אֶת-קבְרוֹתֵיכֶם וְהַעֲלֵיתִי אֶתְכֶם מִקּבְרוֹתֵיכֶם, עַמִּי; וְהַבָּאתִי אֶתְכֶם, אֶל-אַדְמַת יִשְׂרָאֵל.	12 Therefore prophesy, and say unto them: Thus saith the Lord GOD: Behold, I will open your graves, and cause you to come up out of your graves, O My people; and I will bring you into the land of Israel.

A Unusual Application 23. Who is a Jew



לטכת ראס המפסלה PRIME MINISTERS OFFICE

The Prime Minister's Letter

Following is the text* of the letter from Mr. David Ben-Gurion addressed to the "hachmei Israel," Jewish scholars in Israel and abroad, soliciting their opinions on the issue of registration of children of mixed marriages. On the basis of these opinions the Cabinet Committee formulated its recommendations to the Israeli Government.

13 Heshvan 5719 October 27, 1958

Am approaching you in accordance with the decision adopted by the Israel Government on July 15, 1958, according to which a committee consisting of the Prime Minister, the Minister of Justice and the Minister of the Interior was appointed to examine the rules for the registration of children of mixed marriages, both of whose parents wish to register their children as Jews. In this decision the Government instructed the committee to consider "statements of opinion by Jewish scholars in Israel and abroad on this subject," and to formulate registration rules "in keeping with the accepted tradition among all circles of Jewry, orthodox and non-orthodox of all trends, and with the special conditions of Israel, as a sovereign Jewish State in which freedom of conscience and religion is guaranteed, and as a center for the ingathering of the exiles."

*Cf. Congress Weekly, January 5, 1959 (Vol. 26, No. 1).

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JEWISH IDENTITY

The Register of the Population has been in existence in Israel since 1949, and among the particulars which have to be recorded according to the law are "Religion" and "Nationality." The Ministry of the Interior is responsible for the execution of the Registration of the Population Law, and the registration officers are authorized by law to demand and receive from the residents liable for registration such documents and information as they require for the purpose of verifying the particulars before they are registered. Each resident receives an Indentity Card according to the particulars recorded in the Register, and this serves him for various purposes. In time of emergency every male resident has been obligated by law to carry his Identity Card wherever he goes.

From time to time proposals have been made to abolish the Register or the registration of "Religion" or "Nationality" as part of the Register, but we have so far been unable to accept these proposals, for security and other reasons, and we shall be unable to do so in the near future. In the light of our special situation, when there is no practical possibility of a thorough and permanent control of the country's borders to prevent the entry of infiltrators from the hostile neighboring countries, who are a source of grave and constant danger to the peace of the country and its population, it is essential that a legal resident in Israel should be able to identify himself at all times by means of a document supplied by an official authority.

The laws of Israel forbid all discrimination between one person and another on account of differences in race, color, nationality, religion or sex, but Jews enjoy one special privilege alone by virtue of the Law of the Return. A non-Jew who wishes to immigrate to Israel must receive permission to do so, and the state is empowered to withhold such permission. If he settles in the country he may become a citizen of Israel only by naturalization, which he can request after two years' residence. A Jew, however, is entitled to settle in Israel according to the Law of

THE PRIME MINISTER'S LETTER

the Return by virtue of the fact that he is a Jew (if he is not a habitual criminal who is liable to endanger the public welfare or suffering from a disease liable to endanger the public health), and as soon as he settles in it he becomes, automatically, an Israel

The establishment of the religion of Israel residents is also essential for this reason. According to the existing laws of Israel matters of marriage and divorce are under the authority of the religious courts: the Shar'ia Courts for Moslems, the Religious Courts of the various Christian communities for Christians, and the Rabbinical Courts for Jews. According to the existing law, marriages and divorces are conducted in Israel only according to the religious laws and by religious ceremonies; and according to the existing law marriages and divorces of Jews are held in Israel only according to Jewish religious law.

The question has arisen how to register under the heading of "Religion" and "Nationality" children born of mixed marriages, when the father is a Jew and the mother is not a Jewess and has not become converted as a Jew. The opinion has been expressed that since the Register is a civil one and does not serve for religious purposes (the religious authorities are not obligated to be satisfied with it or to rely upon it, and in general they are not prepared to do so), this registration should not be governed by purely religious criteria. Others say that since "Religion" and "Nationality" are inseparable, and since religious allegiance is naturally a religious question, only religious criteria should be followed, both in registering religion and registering nationality.

The Government has decided that the religion or nationality of an adult shall be registered as "Jewish" if he declares in good faith that he is a Jew and does not adhere to another religion. According to the Law of the Equality of Women in force in Israel both parents are the guardians of their children; if one of them dies the survivor is the guardian. Generally, therefore, the declaration of both parents is accepted in any case in which a declaration is required from a child who has not yet reached maturity. In regard to the question of the registration in the Register of Population of children born in mixed marriages, the following question has arisen, however: If the mother is non-Jewish and has not been converted, but both she and the father agree that the child shall be Jewish, should it be registered as Jewish on the basis of the expression of the desire of the parents and their declaration in good faith that the child does not belong to another religion, or is any further ceremony of any kind required, in addition to the agreement and the declaration of both parents, for the child to be registered as a Jew? On this question the Cabinet Committee has to make its recommendations to the Government, after receiving expressions of opinions by Jewish scholars as above.

P OUR considerations should be taken into account for the understanding of the problem as a whole:

- (1) The principle of freedom of conscience and religion has been guaranteed in Israel both in the Proclamation of Independence and in the Basic Principles of the governments that have held office until now, which have included both "religious" and "secular" parties. All religious or anti-religious coercion is forbidden in Israel, and a Jew is entitled to be either religious or non-religious.
- (2) Israel serves in our time as a center for the ingathering of the exiles. The immigrants come from East and West, from both progressive and backward countries, and the merging of the various communities and their integration into one nation is one of Israel's most vital and difficult tasks. Every effort must therefore be made to strengthen the factors that foster cooperation and unity, and to root out as far as possible everything that makes for separation and alienation.
- (3) The Jewish community in Israel does not resemble a Jewish community in the Diaspora. We in this country are not a minority subject to the pressure of a foreign culture, and there is no need here to fear the assimilation of Jews among non-Jews

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יוסף דוב הלוי סולוכיצייק שספר SOLOVEITOHIK 44 HUTCHINGS STREET ROXBURY 21, MASS.

25 Shevat 5179

His Excellency,
The Prime Minister of Israel,
Mr. David Ben-Gurion.

Honorable Sir;

Each of us, the undersigned, received a separate letter from you. Since, however, our opinions, with reference to the question posed, coincide, we have decided to render one halakic communication, instead of two separate versions.

The question, pertaining to the registration of children born from non-Jewish mothers who have not been fittingly converted according to the Halakah, needs no further probing. There exist two basic rules (Halakot) which have been transmitted to us from time immemorial and which have become the very pillars of Jewish tradition; these set forth the unequivocal answer.

The first Halakah is: The offspring of a non-Jewess bears the same status as herself.

The second Halakah is: A non-Jew, who is circumcized but has not had ritual immersion (Tevilah) or who has been 'ritually immersed' but not circumcized, is not to be recognized as a convert to Judaism until he has been (both) circumcized and ritually immersed.

In other words, the mother establishes the child's 'sanctity' and (the status of) his 'belonging to,' or identification with, the Jewish people. True and proper conversion is gained only by means of circumcision and immersion for a male, and through ritual immersion (alone) for a female.

Hence it is impossible for any person—minor or adult—to be considered or to be registered as a Jew if the mother is a non-Jewess, so long as he (himself) has not been converted to Judaism

THE PRIME MINISTER'S LETTER

which takes place in many prosperous and free countries. On the contrary, here there are, to a slight extent, possibilities and tendencies making for the assimilation of non-Jews among the Jewish people, especially in the case of families coming from mixed marriages who settle in Israel. While mixed marriages abroad are one of the decisive factors making for complete assimilation and the abandonment of Jewry, mixed marriages among those who come here, especially from Eastern Europe, result in practice in the complete merging with the Jewish people.

(4) On the other hand, the people of Israel do not regard themselves as a separate people from Diaspora Jewry; on the contrary, there is no Jewish community in the world that is inspired by such a protound consciousness of unity and identity with the Jews of the world as a whole as the Jewish community in Israel. It is no accident that the Basic Principles of the Government lay it down that the Government shall take measures for "the intensification of Jewish consciousness among Israel youth, the deepening of their roots in the past of the Jewish people and its historic heritage, and the strengthening of their moral attachment to world Jewry, in the consciousness of the common destiny and the historic continuity that unites Jews the world over of all generations and countries."

In the light of all the above considerations, we shall be grateful if you will be good enough to give us your opinion on the course which we should pursue in the registration of the children of mixed marriages both of whose parents—both the Jewish father and the non-Jewish mother—wish to register their children as Jews.

DAVID BEN-GURION

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Responsa: AMERICAN RABBIS

according to the laws of Moses and Israel. Parental assertions or even the declaration of the grown-up himself (that he wishes to be known as a Jew) will never avail.

These Halakot are basic principles of our Torah and commandments. They do not rely upon rationalizations or reinterpretations. Therefore we need not present quotations or sources to substantiate our opinion; such would be superfluous.

Concerning this basic approach to Torah, our great teacher, Maimonides, has already written in his Yad (Hilkot Hobel u-Mazik 1.6):

"Though these (elements) are evident in the Written Law and all have been thoroughly explained by Moses at Sinai, to us they are (in the realm of) decisions of practical conduct. Thus did our forefathers rule in the Judicial Courts of Joshua and the Prophet Samuel and in every Court of Justice (Beth Din) that has arisen from the days of Moses till our own day."

We are indeed perplexed that the State of Israel now seeks to hew down our traditional branches and thereby smear the ancient glory of Israel which has long been sanctified through the spilt blood and sufferings of preceding generations. It is only because of these roots that we preserve our uniqueness as a holy people and that we are inextricably bound to the Holy Land.

We therefore ask you—your Excellency—you, whose name we honor and whose historic accomplishments for the establishment of the State of Israel we acknowledge:

Will the present State of Israel be built up by (maintaining a threat of) destruction to its very sanctity?

Most respectfully,
(RABBI) JOSEPH SOLOVEITCHIK
Boston

(RABBI) CHAIM HELLER New York

והנה עניין חיות מצומצמת זו היא סוד מוחין דקטנות, החואמים את מצבנו בגלות, שהוא בחינת התפוררות הגוף לרסיסים, ומוחין אלו הם החיות של הרסיסים הנפרדים, והם למעשה השורש לתפיסת החיים ולעבורת ה' במשך ימי הגלות, שהיא עבודת ה' של כל תא כשהוא לבדו ולעצמו. כי הנה החיות שלנו היא בוודאי עבודת ה', שהיא המחכרת אותנו אליו יחברך, היא בוודאי עבודת ה', שהיא המחכרת אותנו אליו יחברך, מדרגת החיים הגדולה, של הגוף כולו, כאדם הי אשר נשמתי בקרבו. וכך, רק ניצוץ דק, שרה על כל אבר וכל תא לבדו, בקרבו. וכך, רק ניצוץ דק, שרה על כל אבר וכל תא לבדו, בקרבו. וכך, רק ניצוץ דק, שרה על כל אבר וכל תא לבדו,

מוחין דקטנות אלו הם כמו הדעת של הקטן, שחושב רק על עצמו ואינו מטוגל להרחיב דעתו להרגיש את חיי האחר, וקל וחומר שהוא רחוק מלהרגיש את האחדות האמיתית שבינו ובין האחר, שכל ישראל הם הוויה אחת ממש. כי זהו טבעו של הקטן, שמרוכז בעצמו ובעולמו, וטובר שחייו הפרטיים הם הכל ואין דבר זולתם. על כן תכלית דאגתו לעצמו ולאושרו בלבר.

הגלות משולה למיתה ולשינה, ולכן הגאולה, משולה לקימה מעפר וליקיצה משינה - "הָקיצוּ וְרַנְּנוּ שֹׁכְנֵי עָפֶר" וישעיה מוחין ועניין ההתעוררות מהשינה, הוא עצמו סוד החזרת מוחין דגדלות, כדרכו של מי שמתעורר משינתו, שהמוח שב לתפקוד מלא ורענן. וכן הוא בהתעוררות משינת הגלות, שהיא עניין החזרת החיות והמוחין של אדם חי ולא של אברים מרוסקים העומדים לעצמם.

מתיון דַּקְמְנוּת שָׁבָּאוּ בַּוְכֵּן שְׁנֵּוּג נַיָּבְּיִינּ

ונביאור שינה זו מה עניינה, נודע הרבר שהשינה היא סילוק המוחיו, שהם הדעת של הארם. ואולם הנה מבואר בדברי האריזל שלעולם יש מוחין לאדם, גם בשנתו, אחרת ימות בלי חיות. על כן בזמן השינה באים מוחין דקטנות להחיותו עד שיקום משנינו רשובו לו מוחין דנרלות. כך, בזמן השינה המוח ישן. אך התפקוד הבסיסי ממשיך, כדי להחיות את הגוף

יתר על כן, הארודל מבאר שאפילו בומן המיתה ישנו קורטוב של חיות הנשאר עם העצמות בקבר, כדי להמשיך בהם נטף של חיים, שמכותו יקימו לתחיית עולמים. זהו סוד 'הבלא דגרמי', תבל וחיים האחווים בעצמות בכל שהות האדם בקבר, עד לתחיית המתים".

ותנה כשם שהדבר נכון בחיי היחיד, כן הוא בחיי העם, כמבואר באריזיל, וכן היה גם לישראל בגלות, המשולה למיתה, שבה נמשכה חיות מצימצמת מאוד, התואמת את האברים המרוסקים, סוד האדם כשהוא בקברו, זהו מה שראינו קודם לכן בדברי הגריא, שרוח החיים של ישראל בגלות, היא אותו 'הבלא דגורמי',

מצד המינות. דרושי הלילה דרוש ני שטר הפסוקים פרשת וישב. מכוא שערים נ מד חיים שטר לו פרק ב בסוד 'שכיבת לעמרא', ספר הליקימים סרשת תולדות. שטר מאמר רשכיי מרשת בסדבר זכן בעניין הדכורא. ראה בדרושי פסח בעניין מוחין דקיבור שנשארים לצולם, זכן בשטר הטונות דרושי קריאת שמע, ועוד Eran brought the pamphlet to the outpost, kept it in his webbing, and read it when he could, sitting on the soiled mattresses under fluorescent lights, sneaking a cigarette in the yard between tasks, flicking the ash between his scuffed boots. He divided the men at the Pumpkin into two groups: the ones trying to do the minimum and make it home safe, and the idealists, who were committed to something larger than themselves. In hours spent arguing with the others about this he forged the following conclusion: He was there not for himself, not for the respect he received when he returned home, and not even for his friends. He was there *for the country*. This was the highest altruism he could imagine from where he stood. He volunteered for everything.

Roger. Do you have the coordinates?

I'm giving it to you on the (telephone). . . . Requesting permits, ston to open fine.

Roger, hold on ... Ataf 4. this is Hashen.

This is Aust'4. Do we have permission to fire?

Negative.

What do you mean, negative? We have a certain ID of seven almies. Too in going into the riverbed. Soon we're not going to be able to his them. I request permission to fire now.

Two is History, Negative. No permission to fire.

Hasten, 1965 is Azzi a. Toen what the hell am I doing here?

Тое расті вз соверревтей.

When she is began falling at \$159 a.m. Eran thought he saw a few beaut pending from behind boulders downhill. He fired at then and saw pulls of due nearby. Then he was on his knees. He couldn't resome. Something had fashed and something was burning He couldn't she are that his right sam was no longer attached to the body our remained in the sleeve of his coat. He dragged himself out of the guard post and into the trench, where he found himself cooking at somethics books. Help me, Eran said. Two soldiers found him charred and delirious. They put a tour.

siquet on the stump and carried him down to one of the bunkers,
which by some magic appeared to have assumed the size of an auditosigm, so he remembers. They laid him on the floor between the beds.

A sardic named Davidoff gave him a shoe in the thigh—morphine.

Evan felt he had to scream, he just needed to get it out of him, so he
screamed and screamed, and then he said, I'm soery.

The garrison radioed down to Israel that they had flowers and needed a third quickly to evacuate them, but the shelling made it see risky for helicopters, so the soldiers loaded Eran onto an armored which and drove him down the hill and out of mortar range. When he was finally placed on a helicopter someone arranged his severed arm atop his chest. Next to him was the lookout. Amir, who had been running along the trench and must have passed behind Eran's emplacement just as the rocket hit. The lookout was now a motionless human shape under a gray blanket. He was twenty years old. A few months earlier, before heading to the Pumpkin for the first time, amir had written in a near hand on a yellow pad. "In a few days I'll be on my way to another outpost. It is a road that might be one-way, to might not be." His mouther found the note afterward.

When the helicopter landed in Israel men in white smocks taked Eran through slidling doors into an emergency room, and a lander amazing filmed him going past. In the footage you see the states face blackened and unrecognizable, and hear him screaming seething as he passes. If you pay attention you can make out the sorter for the country."