



The Langer Affair (continued)

1. Rabbi J. David Bleich, Contemporary Halakhic Problems Vol. 1, Part 1, Chapter 7: The Langer Case

Upon his election as Chief Rabbi, Rabbi Shlomo Goren sought to have the case reheard by a panel of the Supreme Rabbinical Court consisting of the two Chief Rabbis and a third member to be selected jointly by both Chief Rabbis. Rabbi Yosef refused to accede to this proposal, noting that he had already sat as a member of a Bet Din which had issued a negative ruling and that Rabbi Goren, while yet Chief Chaplain of the Israeli Armed Forces, had authored and circulated among selected individuals a pamphlet in which he had argued that the Langers were not to be regarded as mamzerim. In view of their prior involvement Rabbi Yosef felt that both Chief Rabbis should disqualify themselves. He instead proposed that an impartial Bet Din be appointed to be composed of dayanim who had not previously ruled on the matter. This suggestion was not acceptable to Rabbi Goren, who subsequently, on November 19, 1972, issued a ruling in his own name and in the name of eight other rabbis, whose names he declined to reveal, permitting the Langers to marry. The reasons for this decision and the documents supporting it were published by Rabbi Goren in a two-hundred-page book bearing the imprimatur of the Chief Rabbinate of Israel.

2. Decree signed by leading rabbis, 13 Av 1972, <http://www.jdn.co.il/breakingnews/107097>

A spirit of madness now passes through our holy land, misleading the masses as though one could change law which has been accepted since Sinai, from generation to generation, and to permit that which is prohibited based on foundations which lack any possibility, and which are lies and deception. We declare that anyone who says thus has no part in Halachah and one cannot rely on his ruling, and anyone who helps spread this view, which endangers the survival of the nation, will face justice.

Rabbi Yechezkel Abramsky, Rabbi Yaakov Kanaievsky, Rabbi Eliezer Menachem Man Shach, Rabbi Chaim Shmuelevitz, Rabbi Moshe Chevroni, Rabbi Yosef Shalom Elyashiv, Rabbi Shlomo Zalman Auerbach

3. Public response of the Lubavitcher Rebbe, reported in HaPardes 47:4 (Jan. 1973)

<http://hebrewbooks.org/pdfpager.aspx?req=12319&pgnum=29>

In the Rebbe's view, this event sets a dangerous precedent for rabbinic authority worldwide, whether because of the conditioning of selection of a rabbi upon granting a particular leniency, or because of the proclamations of the Minister of Defense and the government that the brother and sister may marry, even before the rabbis had ruled on the matter. The government rules, and benignly "permits" the rabbi to support the permission with halachah.

4. Letter by Rabbi Tzvi Yehuda Kook (note: the poetry and liturgical references do not translate well)

From the depths of my heart and soul, I express feelings of gratitude on publication of the book clarifying the clear and open elements of the sacred ruling, which is halachically accurate, for eliminating the slander regarding the souls of our brother and sister, may the Rock of Israel bless and guard them, and for removing the confusion which erodes the truth from Gd's nation and lot. At every hour and moment of these days I anticipated and hoped for the publication of these clarifications. You have given me life! May the lips of falsehood go mute, and the wicked hands of strife be cut off.

The Arguments

5. Rabbi J. David Bleich, Contemporary Halakhic Problems Vol. 1, Part 1, Chapter 7: The Langer Case

Rabbi Goren, claiming to have had additional evidence not available to the rabbinical courts which had previously held hearings on the matter, bases his decision on the following considerations:

1. There exists no admissible evidence attesting to Avraham Borokovsky's conversion to Judaism,

2. In the event that a valid conversion ceremony did take place, the conversion was nullified by virtue of the fact that Borokovsky continued to live as a practicing Christian...

3. The original wedding ceremony between Chava Ginsberg and Avraham Borokovsky took place in a church. There is no evidence, argues Rabbi Goren, that they were subsequently married in accordance with the law of Israel.

4. The conversion of Avraham Borokovsky, if it indeed did take place, was the result of coercion on the part of Chava Ginsberg's father and hence is null and void...

6. Rabbi Moses Maimonides, Laws of Forbidden Relationships 13:7, 13:9

13:7 - One who immerses and converts on his own, or even in front of two [judges], is not a convert. One who comes and says, "I converted in X's court, and they immersed me," is not credible to marry a Jew until he brings witnesses.

13:9 – A female convert who is observed to practice Jewish ways at all times, such as immersing when a *niddah* and tithing her dough and the like, and a male convert who acts in Jewish ways, immersing for his impurity and performing all of the mitzvot, these people are presumed to be converts even though they lack witnesses who can testify as to the identity of their converting court. However, if they wish to marry Jews, we will not marry them until they bring witnesses or immerse before us, since they were known to have been non-Jewish.

7. Stances of the Rabbis who heard the Langer case

Rabbi Y. S. Elyashiv	13:9 only requires "acting as a Jew", which depends on community standards
Rabbi Bezalel Zolty	13:9 only requires that they be viewed as a Jew by others
Rabbi Shaul Yisraeli	13:9 requires adherence to Jewish law, and need 13:7's naming of a court
Rabbi Shlomo Goren	13:9 requires adherence to Jewish law

8. Rabbi Shlomo Goren, public address in 1966

It is clear that we need Torah leaders who will have a nationalistic approach to political questions and a positive approach to the historical turn of the Jewish people that happened with the establishment of the State...

The eternity of the Torah lies in the space for maneuvering and the possibilities open to its guardians, scholars, and those who fulfill it... Each generation has its own innovations in Torah, but all this is only within the framework of the Torah, within the framework of the halachah.

Zionism = Racism?

9. United Nations General Assembly Resolution 3379 (XXX) Elimination of all forms of racial discrimination

The General Assembly,

Recalling its resolution 1904 (XVIII) of 20 November 1963, proclaiming the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, and in particular its affirmation that "any doctrine of racial differentiation or superiority is scientifically false, morally condemnable, socially unjust and dangerous" and its expression of alarm at "the manifestations of racial discrimination still in evidence in some areas in the world, some of which are imposed by certain Governments by means of legislative, administrative or other measures",

Recalling also that, in its resolution 3151 G (XXVIII) of 14 December 1973, the General Assembly condemned, *inter alia*, the unholy alliance between South African racism and zionism,

Taking note of the Declaration of Mexico on the Equality of Women and Their Contribution to Development and Peace 1975, proclaimed by the World Conference of the International Women's Year, held at Mexico City from 19 June to 2 July 1975, which promulgated the principle that "international co-operation and peace require the achievement of national liberation and independence, the elimination of colonialism and neo-colonialism, foreign occupation, zionism, *apartheid* and racial discrimination in all its forms, as well as the recognition of the dignity of peoples and their right to self-determination",

Taking note also of resolution 77 (XII) adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its twelfth ordinary session, held at Kampala from 28 July to 1 August 1975, which considered "that the racist regime in occupied Palestine and the racist regime in Zimbabwe and South Africa have a common imperialist origin, forming a whole and having the same racist structure and being organically linked in their policy aimed at repression of the dignity and integrity of the human being",

Taking note also of the Political Declaration and Strategy to Strengthen International Peace and Security and to Intensify Solidarity and Mutual Assistance among Non-Aligned Countries, adopted at the Conference of Ministers for Foreign Affairs of Non-Aligned Countries held at Lima from 25 to 30 August 1975, which most severely condemned zionism as a threat to world peace and security and called upon all countries to oppose this racist and imperialist ideology,

Determines that Zionism is a form of racism and racial discrimination.

10. *Municipal Rabbis: Do Not Sell Residences to Arabs*, Makor Rishon, Dec. 7 '10

<https://www.makorrishon.co.il/nrg/online/1/ART2/186/505.html>

More than 50 municipal rabbis have joined the ruling of Safed Chief Rabbi Shemuel Eliyahu, establishing that one may not sell residences to Arabs, or even to rent residences to non-Jews... Rabbi Eliyahu relied on a similar ruling signed in 2005 by leading rabbis, Rabbi Nissim Karelitz, Rabbi Chaim Kanaievsky, Rabbi Aharon Yehuda Leib Shteinman, Rabbi Michel Yehuda Lefkovitz and Rabbi Zalman Nechemiah Goldberg.

11. Wikipedia, *Israel-South Africa Relations*

In the 1950s and 1960s, Israel had prioritized building relations with the newly independent states of sub-Saharan Africa; this, in turn, led it to take a critical stance on the question of apartheid. Israel joined in condemning apartheid at the United Nations and voted to enforce sanctions against South Africa. On October 11, 1961, Israel voted for the General Assembly censure of Eric Louw's speech defending apartheid. Israel became one of a few nations to have strong relations with apartheid South Africa. However, in 1963, Israel informed the United Nations Special Committee on Apartheid that it had taken steps to comply with the military boycott of apartheid South Africa and had recalled its ambassador to South Africa. Israeli leaders publicly condemned apartheid throughout the 1950s and early 1960s, although it maintained contact with South Africa through a low-level diplomatic mission in Pretoria and through France, a mutual ally. The South African Jewish Board of Deputies feared an anti-Semitic backlash if Israel did not maintain good terms with the present government. However, Israel continued to criticize apartheid and seek closer relations with black African nations, but an anti-Semitic backlash never occurred. Israel regularly voted against South Africa's apartheid policies at the United Nations. After Israel voted in favor of economic and diplomatic sanctions against South Africa, Israeli lawmakers overwhelmingly approved the vote at the Knesset by a vote of 63-11, with 13 abstentions.

12. Response by Israeli Ambassador to the UN Chaim Herzog, excerpt (<https://www.haaretz.com/1.5268129>)

It is symbolic that this debate, which may well prove to be a turning point in the fortunes of the United Nations and a decisive factor as to the possible continued existence of this organization, should take place on 10 November.

This night, 37 years ago, has gone down in history as the Kristallnacht, or the Night of the Crystals. This was the night of November 10, 1938 when Hitler's Nazi stormtroopers launched a co-ordinated attack on the Jewish community in Germany, burnt the synagogues in all the cities and made bonfires in the streets, of the Holy Books and the Scrolls of the Holy Laws and the Bible...

It is a sobering reflection indeed to consider to what this body has been dragged down, if we are obliged today to contemplate an attack on Zionism. For this attack constitutes not only an anti-Semitic attack of the foulest type, but also an attack in this world body on Judaism, one of the oldest-established religions in the world, a religion which has given the world the human values of the Bible, a religion, from which two other great religions, Christianity and Islam, sprang - a great and established religion that has given to the world the Bible with its Ten Commandments; the great prophets of old, Moses, Isaiah, Amos; the great thinkers of history, Maimonides, Spinoza, Marx, Einstein; many of the masters of the arts; and as high a percentage of Nobel Prize winners in the world, in the sciences, the arts and the humanities, as has been achieved by any other people on earth...

Show me another pluralistic society in this world in which, despite all the difficult problems among which we live, Jew and Arab live together with such a degree of harmony, in which the dignity and rights of man are observed before the law, in which no death sentence is applied, in which freedom of speech, of movement, of thought, of expression are guaranteed, in which even movements, which are opposed to our national aims, are represented in our Parliament.

The Arab delegates talk of racism. It lies not in their mouths. What has happened to the 800,000 Jews who lived for over 2,000 years in the Arab lands, who formed some of the most ancient communities long before the advent of Islam? Where are those communities? What happened to the people, what happened to their property?...

The Jews were once one of the important communities in the countries of the Middle East, the leaders of thought, of commerce, of medical science. Where are they in Arab society today? You dare talk of racism when I can point with pride to the Arab ministers who have served in my government; to the Arab deputy speaker of my Parliament; to Arab officers and men serving of their own volition in our defence, border and police forces, frequently commanding Jewish troops; to the hundreds of thousands of Arabs from all over the Middle East crowding the cities of Israel every year; to the thousands of Arabs from all over the Middle East coming for medical treatment to Israel; to the peaceful coexistence

which has developed; to the fact that Arabic is an official language in Israel on a par with Hebrew; to the fact that it is as natural for an Arab to serve in public office in Israel as it is incongruous to think of a Jew serving in any public office in any Arab country, indeed being admitted to many of them. Is that racism? It is not. That is Zionism.

13. Response by US Ambassador to the UN Daniel Patrick Moynihan

<http://americanrhetoric.com/speeches/danielpatrickmoynihanun3379.htm>

There appears to have developed in the United Nations the – the practice for a number of countries to combine for the purpose of doing something outrageous, and thereafter, the outrageous thing having been done, to profess themselves outraged by those who have the temerity to point it out, and subsequently declare themselves innocent of any wrongdoing in consequence of it having been brought about wholly in reaction to the "insufferable" acts of those who pointed the wrong-doing out in the first place. Out of deference to these curious sensibilities, the United States chose not to speak in advance of this vote.

We speak in its aftermath and in tones of the utmost concern.

The United States rises to declare before the General Assembly of the United Nations and before the world that it does not acknowledge, it will not abide by, it will never acquiesce in this infamous act.

14. *U.N. Repeals Its '75 Resolution Equating Zionism With Racism*, NY Times 12/17/1991

<https://www.nytimes.com/1991/12/17/world/un-repeals-its-75-resolution-equating-zionism-with-racism.html>

In a further sign of the discomfort that the repeal has caused the Islamic world, today's session was presided over by the United Nations representative from Honduras, Roberto Flores Bermudez, rather than by the world organization's president, Samir S. Shihabi of Saudi Arabia, who is of Palestinian origin and who was present for the morning session today. In September he caused a stir by leaving the podium when Israel's Foreign Minister addressed the General Assembly.

The Problem

15. Genesis 9:25

And he said: Cursed is Canaan! A slave of slaves, he shall be to his brethren.

16. Professor Salo Wittmeyer Baron, *Economic History of the Jews*, pg. 270-274

Jews engaged in the slave trade – although they never played a prominent role in it – from the early Middle Ages to the early modern period....

Until 1730 the Dutch West India Company maintained a monopoly on the importation of slaves into all the Dutch colonies in the Americas, but Jews appear to have been among the major retailers of slaves in Dutch Brazil (1630-1654), because Jews possessed ready money and were willing to trade slaves for sugar. The bylaws of the Recife and Mauricia congregations (1648) included an *imposta* (Jewish tax) of 5 soldos for each slave which a Brazilian Jew purchased from the West Indies Company....

Although Jews in Philadelphia and New York City were active in the early abolition movement, Jewish merchants, auctioneers and commission agents in the Southern states continued to buy and sell slaves until the end of the Civil War. The fact that Jacob Levin of Columbia, South Carolina, and Israel I. Jones of Mobile, Alabama, two merchants who often dealt in slaves, were leaders of their Jewish communities in the 1850s is evidence that at no time did Southern Jews feel tainted by the slave trade....

17. Rabbi Moses Maimonides, Book of Commandments, Prohibition 51

The 51st mitzvah is that He warned us not to settle idolaters in our land, lest we learn from their heresy, Exodus 23:33 says, "They shall not dwell in your land, lest they cause you to sin against Me." If a non-Jew wishes to live in our land, we may not permit this until he agrees not to worship idols; then he may live there...

18. Talmud, Avodah Zarah 20a, commenting on Deuteronomy 7:2

"Do not show them favour [*chen*]" – Do not give them a camp [*chanayah*] in the land.